



Appeal Decision

Site visit made on 29 September 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2025

Appeal Ref: APP/F2360/W/25/3367437

128 Marsh Lane, Longton, Preston, Lancashire PR4 5YL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Derek Artis against the decision of South Ribble Borough Council.
 - The application Ref is 07/2025/00085/VAR.
 - The application sought planning permission for erection of a replacement dwelling and annex following the demolition of an existing house and outbuildings without complying with a condition attached to planning permission Ref 07/2021/00801/FUL, dated 1 December 2021.
 - The condition in dispute is No 4 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions, roof extensions or alterations, garages or outbuildings erected without the prior express grant of planning permission.
 - The reason given for the condition is: To enable the Local Planning Authority to exercise control over development to safeguard the character and appearance of the development itself and the locality in general by ensuring there are no inappropriate extensions, buildings or other alterations.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted in 2021 for erection of a replacement dwelling and annex following the demolition of an existing house and outbuildings¹. Condition No 4 of the permission removed permitted development rights (PDR) pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) relating to extensions, roof extensions or alterations, garages or outbuildings,
3. The application to which the appeal relates² sought the removal of condition No 4, as the appellant considers it to be unjustified. The Council refused the application, contending that this would lead to the potential for the replacement dwelling to be made materially larger than the one it replaced, resulting in inappropriate development that would be harmful to the openness of the Green Belt.
4. The main issue is therefore whether condition No 4 is necessary and reasonable with regard to local and national policy protecting the openness of the Green Belt.

¹ Council Ref 07/2021/00801/FUL

² Council Ref 07/2025/00085/VAR

Reasons

5. Paragraph 57 of the Framework states that planning conditions should be kept to a minimum and only imposed where they are necessary and reasonable, among other requirements (the 6 tests). The Planning Practice Guidance (PPG) advises that conditions restricting the future use of PDR may not pass the test of reasonableness or necessity, and that the scope of such conditions needs to be precisely defined. Area-wide or blanket removal of freedoms to carry out small-scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet these tests³.
6. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. However, the GPDO places no additional restrictions on development within the curtilage of a dwelling in the Green Belt, unlike other protected areas. Accordingly, no tests of inappropriateness or effect on openness are applicable to permitted development and it is reasonable to assume that some loss of openness is anticipated by this legislation, albeit limited to the scale permitted. In line with the PPG, PDR should therefore not be removed for sites in the Green Belt without clear justification.
7. The appeal site comprises a large, detached dwelling and its associated curtilage to the north of Marsh Lane. The plot is generously sized, and the dwelling is set back from the highway behind a front boundary wall, hedgerow and gates. The rear garden features a small, wooded area, and the side and rear boundaries are lined by mature trees and other vegetation.
8. The rear and side garden areas are nevertheless otherwise predominantly open, with an expansive lawn. Gaps in the vegetation along the boundaries in places, allow partial views into the site, including across the back lane and countryside to the rear, and any screening provided by deciduous plants will be less effective in winter months. Overall, the size, openness and predominantly undeveloped nature of the rear garden contributes to the openness of the Green Belt in this location.
9. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless one of several exceptions apply, including (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. There is however no definition for “materially larger” in the Framework. It is therefore common for Council’s to set out local guidance on this issue. Ultimately, it is a matter of planning judgement whether such development would be materially larger.
10. The Central Lancashire Rural Development Supplementary Planning Document (SPD) October 2012 recognises that the replacement of existing dwellings need not be inappropriate in the Green Belt. It advises however that proposals for the replacement of dwellings in the Green Belt, which have an increase of over 30% of the volume of the building that it replaces, will be considered inappropriate. This is broadly consistent with the provisions of the Framework.
11. The dwelling was granted permission on the basis that, while it was 38% larger in volume than the dwelling it replaced and so did not strictly comply with the SPD, when viewed in the context of its surroundings, it would not impose any negative

³ Paragraph: 017 Reference ID: 21a-017-20190723

impacts owing to its setting within the curtilage, its overall visual enhancement and in its relationship to neighbouring properties. It was recorded in the Officer Report at the time that the PDR were removed to ensure that any future extensions or outbuildings are fully considered in the context of the site and its surroundings.

12. Schedule 2 Part 1 of the GPDO would otherwise allow various extensions to the appeal dwelling in this case including, but not limited to, rear extensions up to 2 storeys in height, side extensions up to half the width of the original dwellinghouse, additions to the roof and construction of additional storeys. Additionally, other than height, there are few restrictions on the dimensions or number of outbuildings that would otherwise be permitted by Class E of Part 1 of Schedule 2 of the GPDO.
13. The appellant indicates that they merely wish to erect a moderately sized outbuilding in the rear garden, and I have no reason to suspect that PDR would be utilised to their maximum. Nevertheless, the size of the plot and position of the dwelling within it means the site could accommodate a considerable amount of additional development pursuant to Part 1 Schedule 2 of the GPDO either now or in the future. As the appeal dwelling already exceeds local guidance for the size of a replacement dwelling in the Green Belt, this would likely in time result in a dwelling materially larger than the one it replaces. Given the characteristics of the site and its contribution to the openness of the Green Belt, there is considerable risk that harm would be caused to the spatial and visual aspects of its openness through further development at the appeal site, without careful consideration.
14. It is therefore important that the details of any such proposal can be carefully assessed through the planning application process by the Council. The condition does not preclude the extension of the dwelling or erection of an outbuilding but allows the Council to have oversight of any such development to ensure it would not harm the openness of the Green Belt or the character and appearance of the site or surrounding area.
15. My attention has been drawn to several recent planning permissions granted by the Council relating to addresses along Marsh Lane, which the appellant contends have not had any restrictions relating to permitted development allowances imposed. Only limited details of each of these cases have been provided and so it is difficult to draw any meaningful comparison to the appeal scheme. The Council contends that 5 of these cases related to limited infilling in a village and 2 related to extensions to existing dwellings, for which different criteria apply. These examples therefore appear to be materially different to the appeal scheme before me and ultimately do not lead me to a different conclusion on this issue.
16. I conclude that condition No 4 is necessary and reasonable having regard to local and national policy protecting the openness of the Green Belt. The condition aligns with the aims of Policy G1 of the South Ribble Local Plan Adopted July 2015 which seeks to ensure that replacement buildings in the Green Belt are not materially larger than the building they replace.

Conclusion

17. For the reasons given above, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR