



Appeal Decision

Site visit made on 30 September 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 13th October 2025

Appeal Ref: APP/B2355/W/25/3369038

**Coldwells Cottage, Roundhill Road, Haslingden, Rossendale, Lancashire
BB4 5TU**

- 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 & Mrs Slattery against the decision of Rossendale Borough Council.
 - The application Ref is 2024/0452.
 - The application sought planning permission for demolition of store and construction of detached dwelling without complying with a condition attached to planning permission Ref 2024/0235, dated 29 August 2024.
 - The condition in dispute is No 9 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension of the dwellinghouse, alteration or addition to the roof, porch, nor the provision of any building within the curtilage, as permitted by Classes A-E of Part 1 of Schedule 2 of that order, shall be erected.
 - The reason given for the condition is: The proposal represents the maximum level of development appropriate on the site.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The National Planning Policy Framework (the Framework) sets out that planning conditions should be kept to a minimum and only imposed where they are necessary and relevant to planning and to the development to be permitted. Planning Practice Guidance (PPG)¹ adds that conditions can enable development to proceed where it would otherwise have been necessary to refuse planning permission and should not be used to impose broad unnecessary controls.
3. The Council granted planning permission ('the original permission') for a development described as 'demolition of store and construction of detached dwelling.' That permission was subject to 10 conditions. Subsequently, the appellant made an application to remove Condition 9 of the original permission, which restricted development that could be undertaken under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 ('GPDO'). PPG² is clear that in deciding an application under section 73, the local planning authority must only consider the disputed condition that is the

¹ Planning Practice Guidance, Use of planning conditions, Paragraph: 001 Reference ID: 21a-001-20140306

² Planning Practice Guidance, Use of planning conditions, Paragraph: 031 Reference ID: 21a-031-20180615

subject of the application, and an appeal by the Secretary of State will also only consider the condition in question.

4. The reason given for the imposition of Condition 9 was that the proposal represents the maximum level of development appropriate on the site. The Council did not specify why it considered any further development would be inappropriate. Therefore, the Council could have meant further development would be inappropriate because of the harm that it would cause to the character and appearance of the building and the surrounding area. Accordingly, the Council has not changed its reason for Condition 9 between granting the original permission and determining the planning application under Section 73 of the Town and Country Planning Act 1990 (as amended).
5. Taking the above into account, the main issue of the appeal is whether Condition 9 is necessary and reasonable, having particular regard to the character and appearance of the area, including the permitted dwelling.

Reasons

6. The existing blockwork building is located on the edge of a small cluster of buildings within a relatively open moorland landscape. Given its position, simple form, external finish, and modest size it has the appearance of an agricultural building. Although the permitted dwelling would be larger than the existing building, it would still have a simple form and be modest in size. As such, it would not have an overly urbanising effect on the open landscape and would continue the existing relationship between it and neighbouring buildings. Importantly, the permitted dwelling would appear unobtrusive within the open moorlands and would conserve the character and appearance of the area.
7. If Condition 9 were removed from the original permission, the permitted dwelling would be capable of being extended or altered without the need for planning permission. PPG³ indicates the blanket removal of freedoms to carry out small scale alterations is unlikely to meet the tests of reasonableness and necessity. As such, it is necessary to consider what works could be undertaken under each of the classes specified in Condition 9 and whether those works could be harmful to the character and appearance of the area.
8. Under Schedule 2, Part 1, Class A and Class AA of the GPDO, the permitted dwelling could be extended outward or upward. There are limitations and conditions on potential extensions permitted under these classes within the GPDO, including on their size and ensuring an extension would be within the dwelling's curtilage. However, given the modest size of the permitted dwelling, the proportionate increase in size of the dwelling could be significant. A large extension could result in the dwelling appearing cramped within the plot and could have an urbanising effect on the site and the wider area. Furthermore, an upward extension would increase the scale of the permitted dwelling such that it would appear more prominent and would visually compete with other large buildings within the cluster. As such, both types of extension could be harmful to the character and appearance of the area.
9. Schedule 2, Part 1, Class B of the GPDO permits a dwellinghouse to be extended through an addition or alteration to its roof, subject to limitations including not

³ Planning Practice Guidance, Use of planning conditions, Paragraph: 017 Reference ID: 21a-017-20190723

extending beyond the eaves. Regardless of the specified limitations, an extension under this Class could lead to a bulky addition to the roof of the permitted dwelling. This would increase the massing of the dwelling and create a more complex roof form. Such an extension would disrupt the simple form of the dwelling. The appellant has indicated that dormer windows could only be installed on the north and west side of the roof, which due to the topography and surrounding development are largely screened from long range views. Nonetheless, there could still be harm to the character and appearance of the area, particularly when viewed from nearby footpaths and properties.

10. Schedule 2, Part 1, Class C of the GPDO permits specific alterations to the roof of a dwellinghouse including the installation of a chimney and rooflights. Whilst the permitted dwelling already includes rooflights, some of the development permitted under this Class would create a more complex roof form. Additional features within the roof could make it appear incongruous when viewed as part of the simple design of the permitted dwelling. As such, the alterations permitted under Class C could be harmful to the character and appearance of the dwelling and the wider area.
11. Schedule 2, Part 1, Class D of the GPDO permits the construction of a porch. Although the size of any porch would be restricted by the limitations specified in the GPDO, even a modest addition would make a difference to the appearance of the permitted dwelling due to the dwelling's size. Furthermore, the addition of a porch would alter its simple form. Accordingly, the construction of a porch could be harmful to the character and appearance of the dwelling and the wider area.
12. Schedule 2, Part 1, Class E of the GPDO permits the construction of a building incidental to the enjoyment of a dwellinghouse. Similar to the development permitted under Class A and Class AA, the size of the building would be limited by the size of the permitted dwelling's curtilage. Nevertheless, the construction of a building would reduce the amount of space around the permitted dwelling and could make it appear cramped within its modest plot. This could make the site appear overdeveloped and at odds with the prevailing open moorland landscape. Consequently, the construction of a building within the permitted dwelling's curtilage could be harmful to the character and appearance of the area.
13. The landscape raises up behind the appeal site and the surrounding development largely screens long distance views of the appeal site. Also, due to the modest size of the permitted dwelling, any alteration or extension would have a limited effect on the character and appearance of the wider area. However, the permitted dwelling would be prominent in views from nearby Public Rights of Way and from the access track. Moreover, the level of screening and the scale of the permitted dwelling do not mitigate the potential harm that could be caused by alterations and extensions permitted by Schedule 2, Part 1, classes A-E of the GPDO.
14. The appeal site is not within a Conservation Area, a National Landscape, a National Park, or a World Heritage Site. Nor is it in proximity to a listed building. There are locational restrictions on development permitted by Schedule 2, Part 1, classes A-E of the GPDO, but they are permitted in the countryside. Notwithstanding this, the restriction imposed by Condition 9 is necessary and reasonable given the prevailing character of the open moorland landscape.

15. For clarity, my decision does not mean that all works permitted under Schedule 2, Part 1, classes A-E of the GPDO are unacceptable. Rather, Condition 9 is necessary to ensure that the Council has an opportunity to assess whether any proposed development, which would be permitted under these classes, is unacceptable as part of a planning application.
16. I conclude that the imposition of Condition 9 is necessary and reasonable, having particular regard to the character and appearance of the area. The proposed removal of Condition 9 would be contrary to policies ENV1 and ENV3 of the Rossendale Local Plan 2019 to 2036, December 2021 (LP) which indicate proposals will be expected to take account of the character and appearance of the local area, and the distinctive landscape character of Rossendale, including large scale sweeping moorlands, will be protected. It would also be contrary to sections 12 and 15 of the Framework which advise that decisions should ensure that developments are sympathetic to local character and contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Other Matters

17. It is not disputed by either party that the restriction imposed by Condition 9 is necessary to protect the living conditions of neighbouring occupiers. Also, the appellant has highlighted that without Condition 9 the permitted dwelling would be in accordance with several policies within the LP and parts of the Framework. Nonetheless, this would not mitigate the identified harm, and, without Condition 9, the permitted dwelling would still be contrary to the development plan when read as a whole.

Conclusion

18. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR