



Appeal Decision

Site visit made on 15 October 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/H0724/W/25/3368059

**Plot 3 Manor Park, Rear of Milbank Close, Land at Fens, Hart, Hartlepool
TS27 3BT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Mr Kevin Ord of Kevin Ord Paving against the decision of Hartlepool Borough Council.
- The application Ref H/2023/0086 was approved on 24 January 2025 and planning permission was granted subject to conditions.
- The development permitted is:

Section 73 application to vary condition 1 (approved plans) of planning permission H/2022/0304 (in respect of residential development comprising the erection of 15 dwellings with associated infrastructure) to allow for amendments to Plot 3 house type.

- The condition in dispute is No 1, which states that:

The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

14_019_001 (OS Plan)

received 25th February 2019 by the Local Planning Authority;

14_019_01_P_005 REV. B (Plot 1 - Elevations, Layouts and Site Plan Draft 6),

14_019_04_P_005 REV. B (Plot 4 - Elevations, Layouts and Site Plan),

14_019_05_P_005 REV. B (Plot 5 - Elevations, Layouts and Site Plan),

14_019_07_P_005 REV. A (Plot 7 - Elevations, Layouts and Site Plan),

14_019_09_P_005 REV. A (Plot 9 - Elevations, Layouts and Site Plan),

14_019_10_P_005 REV. A (Plot 10 - Elevations, Layouts and Site Plan),

14_019_11_P_005 REV. A (Plot 11 - Elevations, Layouts and Site Plan),

14_019_15_P_005 REV. A (Plot 15 - Elevations, Layouts and Site Plan),

14_019_C_1200 (EXISTING BLOCKING PLAN)

received 8th July 2019 by the Local Planning Authority;

14_019_02_P_005 REV. B (Plot 2 - Elevations, Layouts and Site Plan),

14_019_14_P_005 REV. B (Plot 14 - Elevations, Layouts and Site Plan),

14_019_C_1213 (Plot 7 and Plot 8 Land Sections)

received 29th July 2019 by the Local Planning Authority;

14_019_13_P_005 1 of 2 REV. J (Layouts and Site Plan - plot 13),

14_019_13_P_005 2 of 2 REV. J (Layouts and Site Plan - plot 13)

received 30th August 2019 by the Local Planning Authority;

14_019_C_1209 REV. A (BOUNDARY TREATMENTS)

received 4th September 2019 by the Local Planning Authority.

14_019_12_P_005 REV. A (Plot 12 - Planning - Draft 4 Elevations, Layouts and Site Plan),

received 17th February 2020 by the Local Planning Authority;

*14_019_06_P_005 REV. B (Plot 6 - Elevations, Layouts and Site Plan),
Received 6th September 2021 by the Local Planning Authority;*

*14_019_08_SK_01 (Planning Draft 1(proposed elevations and floor plans for Plot 8)) Received 15th
August 2022 by the Local Planning Authority.*

*14_019_C_1212 REV. E (Road & Site Levels Layout) received 20/03/2023
14_019_C_1201 REV. G (RMA PROPOSED BLOCKING PLAN)
14_019_C_1203 REV. H (RESERVED MATTERS EXIST/PROP LEVELS PLAN)
14_019_C_1208 REV. H (RESERVED MATTERS MATERIALS LAYOUT)
14_019_C_1204 REV. H (RMA Proposed Street Scene/Land Section A-A)
14_019_C_1207 REV. E (RMA Proposed Street Scene/Land Section D-D, all
received 20th March 2023 by the Local Planning Authority;*

*14_019_03_P_005 REV. F (Plot 3 - Elevations, Layouts and Site Plan),
received 22nd July 2024 by the Local Planning Authority*

*14_019_C_1202 REV. J (Reserved Matters Planning Layout)
14_019_C_1211 REV. N (Reserved Matters Landscape Layout)
14_019_C_1205 REV. G (RMA Proposed Street Scene/Land Section B-B)
received 20th January 2025 by the Local Planning Authority and;*

*14_019_C_1206 REV. D (RMA Proposed Street Scene/Land Section C-C Land
Sections 1-1, 2-2 & 3-3) received 21st January 2025 by the Local Planning Authority.*

- The reason given for the condition is:
To define Planning Permission and for the avoidance of doubt.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The permission referenced in the banner heading above relates to a reserved matters approval granted in January 2025. This approval itself represents a variation of an earlier scheme for the development of 15 dwellings. The appeal before me concerns proposed changes to a single plot within that scheme – Plot 3.
3. At the time of my site visit, the wider development remained under construction. Whilst some plots were completed and occupied, others appeared to be in the early stages of construction.
4. The approved dwelling on Plot 3 comprises a detached house and a detached garage. Although construction was ongoing at the time of my visit, the external structure and fabric of both buildings appeared broadly complete and in accordance with the approved plans referenced above.
5. The appeal seeks to amend the approved details of the garage only. The proposed changes involve a revised roof design and an increase in height to accommodate an internal staircase, providing access to a storage area within the roof space.
6. The appellant has confirmed that the purpose of the appeal is to supersede one of the drawings listed under condition No 1, as referenced above.

7. The drawing currently listed under condition No 1 and proposed to be removed is: *14_019_03_P_005 REV. F (Plot 3 - Elevations, Layouts and Site Plan)*, received 22nd July 2024 by the Local Planning Authority.
8. The drawing proposed to supersede it is: *14_019_03_P_005 REV. C (Planning Elevations, Layouts and Site Plan - Draft 3)*.
9. I have determined the appeal on this basis.

Main Issue

10. The main issue is whether the proposed variation of condition No 1 would result in a planning condition that would be sufficiently precise and enforceable.

Reasons

11. Paragraph 57 of the National Planning Policy Framework (the Framework) requires planning conditions to be kept to a minimum and only imposed where they satisfy the tests of being necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
12. Condition No 1 is a standard 'approved plans' condition, listing the drawings that form part of the approved 15-dwelling scheme. Based on the details before me, both the existing and proposed versions of this condition would meet the tests of necessity, relevance and reasonableness, as they provide certainty on the approved details.
13. The appellant has submitted copies of all drawings approved under condition No 1, as required for the determination of this appeal. As the permission relates to the entire 15-dwelling scheme, Plot 3 comprises only a small part of the approved development as a whole. The appeal seeks only to update the drawings relating to that specific plot.
14. However, among the drawings approved under condition No 1 are others that also depict elements of Plot 3. Notably, drawing number *14_019_C_1205 REV. G* illustrates a proposed street scene encompassing Plots 3 to 9, and clearly shows the garage of Plot 3 in its current approved form.
15. No updated street scene drawing has been provided as part of the appeal, nor has it been suggested that this drawing is no longer necessary or relevant to the permission. In the absence of such evidence, I find no justification for its removal from the list of approved plans.
16. Consequently, allowing the appellant's proposal to supersede the drawings for Plot 3 alone would result in a discrepancy between the revised plot-specific drawings and the retained street scene drawing. This inconsistency would introduce ambiguity into the approved plans, rendering the condition imprecise and potentially unenforceable.
17. For these reasons, I conclude that the proposed variation would fail to meet the relevant tests set out in the Framework.

Other Matters

18. The Council and interested parties have raised concerns regarding the potential impact of the proposed increase in the garage's scale on the living conditions of neighbouring occupiers. However, given my findings on the main issue, it is not necessary to reach a conclusion on this matter, as it would not affect the outcome of the appeal.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR