



Appeal Decision

Site visit made on 30 September 2025

by **Andreea Spataru BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2025

Appeal Ref: APP/W4705/W/25/3370013 Cranmore, Cockin Lane, Bradford BD14 6PY

- 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 Jawad Malik against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 25/01066/VOC.
 - The application sought planning permission for the removal of Condition 3 (Permitted Development Restrictions) of planning permission Ref 00/03206/VOC, dated 8 December 2000.
 - The condition in dispute is No 3 which states that: *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent equivalent legislation) no development falling within Classes A, E, F or G of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.*
 - The reason given for the condition is: *To ensure the openness of the Green Belt in this part of the district is maintained to satisfy the provisions of policy EN4 of the Unitary Development Plan for the Bradford district.*
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Decision

1. The appeal is allowed and planning permission is granted for the removal of Condition 3 (Permitted Development Restrictions) of planning permission Ref 00/03206/VOC at Cranmore, Cockin Lane, Bradford BD14 6PY in accordance with the application ref 25/01066/VOC without compliance with Condition number 3 previously imposed on planning permission Ref 00/03206/VOC dated 8 December 2000 and subject to the following conditions:
 - 1) The development hereby approved shall only be carried out in accordance with the amended plan received by the Council on 29 November 2000 showing the domestic curtilage to the dwelling.
 - 2) The domestic occupation of the dwelling shall not extend further than that part of the property enclosed by a red line on the plan drawn to a scale of 1:500 and received and dated 29 November 2000.

Application for costs

2. An application for costs was made by Mr Jawad Malik against City of Bradford Metropolitan District Council. This application is subject of a separate decision.

Preliminary Matters

3. The description of development above has been taken from the appeal form and the Council's decision notice, rather than the application form, as it is more precise.

4. The original permission was granted under a previous development plan. Accordingly, the Council is now relying on Strategic Core Policy 7 (SC7) of the Core Strategy Development Plan Document (CS), rather than Policy EN4 that was referred to in the reason for the imposition of condition 3. CS Policy SC7 concerns Green Belt and states that, amongst other things, the decisions on allocations on Green Belt land will be assessed against the purposes of including land in Green Belt as set out in national guidance. The Council has also referenced paragraphs of the National Planning Policy Framework (the Framework) in its reason for refusal.

Background and Main Issue

5. Planning permission was granted in 2000 for the removal of condition 2 on planning approval numbered 42666 dated 11.04.1973 relating to the occupation of the dwelling limited to a person solely or lastly employed in agriculture or a dependant of such a person residing with him at the appeal site.
6. In granting permission, the Council imposed condition 3 which removed permitted development (PD) rights under several classes of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order). The reason for the imposition of this condition was to ensure the openness of the Green Belt.
7. The Council and the appellant have referred to the matters of 'residential curtilage' and 'domestic garden' in their statements regarding condition 3, and my attention has been drawn to a certificate of lawful development¹. However, the extent of the residential curtilage or of the domestic garden is not for me to decide in the context of this appeal. My assessment is solely related to whether condition 3 is necessary in the Green Belt context.
8. Accordingly, the main issue is whether the disputed condition is necessary or reasonable to make the development acceptable in planning terms, having regard to the site's location in the Green Belt.

Reasons

9. Paragraph 55 of the Framework states that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. Planning Practice Guidance (PPG) reinforces this, stating that *"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 the tests of reasonableness and necessity"*.
10. The Order outlines the PD rights which apply for all dwellinghouses, albeit some classes set out exceptions that the rights do not apply on Article 2(3) land. This is defined in the Order as, inter alia, land within a conservation area, an area of outstanding natural beauty, a National Park, and a World Heritage Site. Consequently, the starting point is that PD rights should remain in place, even in the Green Belt, unless clear justification is advanced which is precisely defined and specific to the site.
11. The Council is concerned that the removal of condition 3 would potentially allow for large potentially disproportionate additions to the existing dwelling outside of the established residential curtilage.

¹ LPA ref: 25/00240/CLE

12. The appeal site occupies a relatively generous plot within an area characterised by low-density development. While additions or alterations carried out under PD rights are subject to specific limitations, they may still have some impact on the area's rural character. Nevertheless, the setting of the appeal site remains broadly consistent with many locations within the Green Belt. These circumstances are therefore not unique to the appeal site and do not represent clear, site-specific justification to adequately demonstrate how the exercise of PD rights within the appeal site would be implicitly harmful to the Green Belt. Accordingly, the fact that the appeal property is within the Green Belt does not in itself provide the clear justification required for the disputed condition.
13. Accordingly, I conclude that it has not been demonstrated that there is clear justification for the removal of PD rights. Thus, condition 3 of the original permission is not reasonable or necessary to make the development acceptable in the context of the site's location within the Green Belt. Therefore, there would be no conflict with the aims of CS Policy SC7 and those of the Framework.

Conditions

14. The guidance in the PPG makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
15. The appeal proposal does not include the removal or alteration of conditions 1 and 2 as outlined within the original planning permission 00/03026/VOC. Condition 1 is a plans condition and the reason for its imposition was for the avoidance of doubt as to the terms under which the planning permission has been granted. Condition 2 refers to the domestic occupation of the dwelling and the reason for its imposition is to ensure the extent of domestic curtilage is limited in order to protect the openness of the Green Belt.
16. Notwithstanding the dispute between the main parties regarding matters related to 'residential curtilage' and 'domestic garden', it is not for me to comment on these matters or remove/alter conditions that are not part of the proposal before me. As such, in accordance with the PPG guidance, Condition 1 and Condition 2 of the original planning permission will be restated for the original reasons stated above.

Conclusion

17. For the reasons given above the appeal should be allowed, and a new planning permission is granted, without condition 3.

Andreea Spataru

INSPECTOR