



Appeal Decision

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 31 OCTOBER 2025

Appeal Ref: APP/U2750/X/24/3355014

River Cottage, Saxton, Tadcaster, LS24 9QL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Peter Clarkson against the decision of North Yorkshire Council.
 - The application ref ZG2024/0979/CPP, dated 12 September 2024, was refused by notice dated 4 November 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is a proposed dormer to side of dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's decision to refuse the LDC application was well-founded.

Reasons

3. Condition 3 of Permission 2016/1097/HPA ("the 2016 Permission") relating to the appeal property states:

"Notwithstanding the provisions of Class A, B and D to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no further extensions shall be erected to River Cottage Wakefield Road Saxton without the prior written consent of the Local Planning Authority."
4. The proposed development is the removal of the existing rooflights and the addition of a dormer. The appellant argues that this does not constitute an extension to the property as no additional floor area will be added to the existing footprint of the dwelling, and that the dormer is purely intended to improve the use of the bed room.
5. However, the dormer would increase the overall volume of the dwelling and is therefore an enlargement to the property. This would ordinarily be permitted development under Part 1, Schedule 2 of the GPDO. The development can therefore rightly be called an extension as it would increase the cubic content of the roof space. As such, Condition 3 of the 2016 Permission applies and the proposed development is not permitted development pursuant to the GPDO, and the LDC appeal fails.

Conclusion

6. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for a proposed dormer to the side of the dwelling is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Zoë Franks

INSPECTOR