RODWAY PLANNING
CONSULTANCY LIMITED

PLANNING APPEAL STATEMENT

IN RELATION TO:

'Removal of condition 7 of AWDM/1541/13/ which states 'Notwithstanding the provision of The Town and Country Planning General Permitted Development Order 1995 as amended (or any order revoking and reenacting that order with or without modification) no windows or other openings (other than as hereby approved) shall be formed in the east or west walls of the building, or the dwelling extended or outbuildings of more than 10 cubic metres erected without the prior permission of the Local Planning Authority on an application in that behalf'.

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89 OLD FORT ROAD, SHOREHAM-BY-SEA, WEST SUSSEX, BN43 5HA

LOCAL PLANNING AUTHORITY REF: AWDM/1826/17/

MARCH 2018

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1. INTRODUCTION

1.1 This Appeal is submitted following the decision of the Local Planning Authority (Adur District Council) ['The LPA]) to refuse planning permission for the '*Removal of condition 7 of AWDM/1541/13/ which states 'Notwithstanding the provision of The Town and Country Planning General Permitted Development Order 1995 as amended (or any order revoking and reenacting that order with or without modification) no windows or other openings (other than as hereby approved) shall be formed in the east or west walls of the building, or the dwelling extended or outbuildings of more than 10 cubic metres erected without the prior permission of the Local Planning Authority on an application in that behalf'.*

1.2 The Appeal Site comprises No. 89 Old Fort Road, Shoreham-by-Sea, West Sussex, BN43 5HA.

1.3 The planning application was submitted to the LPA by James Breckell of James Breckell Architects ('the Planning Agent'), who is also listed as 'The Appellant'. The application was submitted with an existing Location Plan, existing Block Plan and a full set of approved plans relating to original planning permission **AWDM/1541/13**, which includes a block plan, site plan, proposed elevations and proposed floor plans. The application was also accompanied by a 'Design and Access Statement' prepared by the applicant/agent.

1.4 According to the LPA's file, 4 No. Objections were received from residents of No. 27, 29 and 21 East Meadway and No. 116 Old Fort Road. These comments can be summarised as follows:-

- This condition was a factor in the Council granting permission for this bungalow originally and the applicant accepted it;

- Removing condition 7 would take away the Council's control and allow the applicant to build extensions and outbuildings without any consultation with neighbours;
- This condition doesn't prevent 'modest' development;
- If approved, the applicant may well sell the site on with full PD rights intact;
- Concerns over future development and its impact on neighbouring properties.

1.5 No Consultation responses were received in relation to the Planning Application.

1.6 The planning application was dealt with under the LPA's own delegated powers and Officers refused planning permission via decision notice dated 30th January 2018. The LPA cited 1 No. reason for refusal, which reads as follows:-

1. *"The removal of condition 7 would enable unfettered permitted development rights which could result in significant loss of private rear garden space harmful to occupiers living conditions, harm to neighbour amenity, and a diminution of the quality of the original design of the bungalow. Accordingly, the proposal is contrary to Adur Local Plan policy 15 and Development Management Standard No.1 "Space Around New Dwellings and Flats", Development Management Standard No.2 "Extensions and Alterations to Dwellings" as well as the Core Planning Principle of the National Planning Policy Framework to always seek to secure high quality design and a good standard of amenity for all".*

1.7 This Statement accompanies a notice of Appeal being lodged against that decision.

2 SITE AND SURROUNDING AREA

2.1 The site that is the subject of this Appeal relates to a newly built, architect designed bungalow on the north side of Old Fort Road in the heart of Shoreham Beach.

2.2 The application site measures 17.8m wide and includes land acquired from No.87 Old Fort Road. As a result, the application site is irregular in shape as the plot at No.87 is not as deep as at No.89. Therefore, the plot extends to 27.3m deep on the west side, and 34.5m on the east side.

2.3 It backs on to bungalows at Nos. 27 and 29 East Meadway. The building is contemporary in style and simple in design, comprising three pitched roof interlocking elements with gables, of similar size and running from front to back. It is clad in black painted timber with dark grey windows. There is a small shed in the short corner of the rear garden adjoining the garage at No. 87.



Fig 1. Aerial map showing the site and its surroundings (courtesy of Google Maps)

3 RELEVANT PLANNING HISTORY

3.1 According to the LPA's online planning register, the site has the following relevant planning history:-

- **Planning ref: AWDM/0685/16/:** Construction of single storey outbuilding and associated landscaping. Granted 6th July 2016.
- **Planning ref: AWDM/1541/13/:** Demolish existing bungalow and construct replacement bungalow. Granted 19th February 2014.
- **Planning ref: AWDM/0123/13/:** Minor material amendment to ADC/0313/10 (Erection of 2 semi-detached flat roof three bedroom houses) – Flat roofs to be replaced with pitched roofs, front balconies with flat coping and balustrade, white UPVC windows proposed. Granted 19th March 2013.
- **Planning ref: ADC/0313/10/:** Demolition of existing bungalow and erection of 2 semi-detached flat roofed three bedroom houses with front balconies and 4 parking spaces. Granted 21st October 2010.
- **Planning ref: ADC/0208/07/:** Amendments to ADC/0008/07 to increase depth of proposed new house and revise fenestration and other details. Granted 25th June 2007.
- **Planning ref: ADC/0008/07/:** Demolition of existing bungalow and erection of a four-bedroom flat roofed house (with first floor front sundeck) with double garage and parking for 2 cars. Granted 26th February 2007.

4 THE APPEAL PROPOSAL

4.1 Planning Permission was granted for a bungalow at 89 Old Fort Road on 19th February 2014, under planning ref: **AWDM/1541/13/**. This building has been built.

4.2 It is the Appellant's view that the decision notice relating to the above planning permission contained several unnecessary conditions. This includes condition 7 which strips the building of its permitted development rights.

4.3 Condition 7 attached to this planning permission reads as follows:-

"Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification) no windows or other openings (other than as hereby approved) shall be formed in the east or west walls of the building; or the dwelling extended or outbuildings of more than 10 cubic metres erected without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To safeguard amenity and design integrity and to prevent overlooking and to comply with policy AH2 of the Adur District Local Plan and National Planning Policy Framework".

4.4 Planning Permission was granted for a single storey outbuilding on the 6th July 2016, under planning **ref: AWDM/0685/16/.** The outbuilding complied with the criteria for Permitted Development. Had the Appeal site retained its PD rights, this building would not have needed Planning Permission. Permission was duly granted without any resistance from the Local Authority.

4.5 This Planning Appeal seeks the removal of this planning condition.

4.6 The Appellant wishes to remove this condition because it inhibits their right to carry out modest development in accordance with their rights contained within the Town and Country Planning (General Permitted Development) (England) Order 2015.

4.7 The aim of Permitted Development rights is to enable homeowners to carry out small works to their homes in a controlled and modest way, and in doing so this reduces the burden placed on Planning Authorities and their Officer's workloads.

4.8 Most PD rights that are relied upon by homeowners are to do with modest single storey extensions, small sheds or garden buildings or conservatories to the rear of houses. Generally, such alterations/ extensions would have minimal (if any) effect on the wider character of the area due to being of modest scale, screened from public view at the rear of the house. It is our view that the policies that are quoted by the LPA as the reason for removal of PD rights are irrelevant to the planning condition.

5 PLANNING POLICY CONTEXT

a. National Policy Context

(i) The National Planning Policy Framework (NPPF)

5.1 The NPPF was published on 27th March 2012, and at that time the policies in the Framework came into use, with immediate effect. This guidance is now the most-up-to date Government Guidance and replaces all planning policy statements/ guidance that were previously in place.

5.2 The focus of the new NPPF is achieving sustainable development, the definition of which is summarised in paragraph 6 as being the whole of paragraph's 18-219 of the Framework. Paragraph 7 goes further as it specifies that there are three dimensions to sustainable development: economic, social and environmental. Under the social role it states that the planning system should provide *"the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment..."*

5.3 Under paragraph 11, the NPPF confirms that planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan.

5.4 This policy document contains a section relating to Planning Conditions and Obligations within the 'Decision Making' section. At paragraph 203, this guidance states that *"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition".*

5.5 **Paragraph 206 of the Framework states *"Planning conditions should only be imposed where they are:***

1. ***Necessary;***
2. ***Relevant to planning and;***
3. ***To the development to be permitted;***
4. ***Enforceable;***
5. ***Precise and;***
6. ***Reasonable in all other respects".***

The policy requirement above is referred to in this guidance as the '6 tests'.

5.6 The LPA within their decision also refer to Paragraph 017 of the National Planning Practice Guidance This section considers *"is it appropriate to use conditions to restrict the future use of permitted development rights or changes of use?"* The guidance states that *"conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. 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. The local planning authority also has powers under article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to enable them to withdraw permitted development rights across a defined area".*

(ii) <u>Local Planning Policy</u>

5.7 The LPA within their Decision Notice refer to **Policy 15** of the Adur Local Plan and Development Management Standard No. 1 *"Space around new dwellings and flats"*

and Development Management Standard No. 2 *"Extensions and Alterations to dwellings*". As such, we will only refer to these policies within our Appeal Submission.

5.8 The Adur Local Plan was adopted on 14th December 2017 and supersedes the previous Adur Local Plan 1996.

5.9 **Policy 15** states that "*Quality of the Built Environment and Public Realm Development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping. Development should:*

- *Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development;*
- *Include a layout and design which take account of the potential users of the site;*
- *Incorporate the principles of securing safety and reducing crime through design in order to create a safe and secure environment;*
- *Make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;*
- *Respect the existing natural features of the site, including land form, trees and biodiversity and contribute positively to biodiversity;*

Have safe access to the highway network, and not result in harm to highway safety;

- *Have acceptable parking arrangements (in terms of amount and layout);*
- *Take into account the need for waste reduction and recycling, both during the construction phase and over the lifetime of the development;*
- *Incorporate public art in major developments* where appropriate.*

Opportunities will be taken to improve the public realm through new development, transport schemes or regeneration schemes. These will aim to improve the quality, accessibility and legibility of public streets and spaces.

Best practice guidance published by the Government, the Council and other bodies will be used when assessing applications. Design codes, planning briefs and masterplans will be developed for key sites where appropriate.

When considering applications for extensions or alterations to dwellings, proposals will be expected to comply with the criteria contained in the Council's adopted Development Management Standard No.2 "Extensions and Alterations to Dwellings" (as amended or superseded by other Council guidance in force at the time an application is considered) or any other appropriate national standard.

Lighting incorporated into developments should provide the minimum for public safety, be energy efficient, designed to illuminate the target only and avoid light pollution.

Express consent will only be granted for advertisements which respect the character and appearance of the surrounding area, and do not create a danger or hazard to public safety. Where an illuminated advertisement is acceptable in principle, such advertisements should be either externally illuminated or have internally illuminated individual lettering with a solid or opaque background.

New shopfronts will be permitted where the design and materials respect the character of the area and of the building of which they form part. Planning permission to replace shopfronts of inappropriate design or materials, or in poor condition in Conservation Areas, will be granted providing the replacement is of appropriate design and materials, respecting the character of both the building and the Conservation Area.

*(*Major development is defined in the Town & Country Planning (Development Management Procedure) (England) Order 2010 as 10 or more dwellinghouses, or sites of 0.5 hectares or more where it is not known if the development will have 10 or more dwellinghouses; the provision of a building or*

buildings where the floorspace to be created is 1,000 sqm or more, or development on sites of 1 hectare or more)".

(iii) **Development Management Standard No. 1: Space around new dwellings and flats, Development Management Standard No. 2: Extensions and Alterations to dwellings**

5.10 Supplementary Planning Guidance comprising:- Development Control Standard No.2 '*Space Around New Dwellings and Flats*' was applied at the time of the 2014 decision as identified in the report. This document has been renamed Development Management Standard No.1 "Space Around New Dwellings and Flats" and adopted in December 2017 as part of the new Adur Local Plan.

5.11 Development Management Standard No. 1 makes reference to space around dwellings.

5.12 Paragraph 2.15 *"Houses and bungalows should usually be designed so that it would be possible for extensions to be added without detriment to adjoining properties. Where this is not possible 'permitted development' rights will be removed by condition. The Council's Development Management Standard No 2 'Extensions and Alterations to Dwellings' gives information on the type of extension that would normally be acceptable."*

5.13 Paragraph 2.3 *"residential developments, in order to prevent over-developed layouts, should not have an excessive overall site coverage of buildings and hard surfaced areas."*

5.14 Paragraph 3.1 states that *"the rear garden of a dwelling provides a private outdoor amenity space as well as providing an attractive setting for a dwelling. New dwellings should normally have a rear garden sufficiently large to allow for the possibility of adding small extensions without reducing the garden unacceptably.*

Flats will also require adequate amenity areas. The size and type of amenity space required should be related to the size of a dwelling/flat and whether it is suitable for family occupation. It will also be affected by the character of the area. The main criteria for assessing amenity space are their depth, area, privacy and daylight."

6 ASSESSMENT OF THE LPA'S REASONS FOR REFUSAL

6.1 Based on the LPA's reasons for refusal, the main issue relating to the Appeal proposal is whether Condition 7 meets the 6 tests as outlined in paragraph 206 of the National Planning Policy Framework.

6.2 To confirm, paragraph 206 of the Framework states that *"Planning conditions should only be imposed where they are:*

1. *Necessary;*
2. *Relevant to planning and;*
3. *To the development to be permitted;*
4. *Enforceable;*
5. *Precise and;*
6. *Reasonable in all other respects".*

All 6 tests must be met in order for a condition to be justifiably imposed as part of any planning permission.

6.3 This Planning Appeal seeks the removal of Condition 7, which was attached to planning application ref: **AWDM/1541/13/**. This condition states that "*Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification) no windows or other openings (other than as hereby approved) shall be formed in the east or west walls of the building; or the dwelling extended or outbuildings of more than 10 cubic metres erected without the prior permission of the Local Planning Authority on an application in that behalf.*

Reason: To safeguard amenity and design integrity and to prevent overlooking and to comply with policy AH2 of the Adur District Local Plan and National Planning Policy Framework".

6.4 It is our view that the imposition of Condition 7 would not be compliant with the above tests in that it would **not be** Necessary, Precise or Reasonable in all other respects. It therefore fails to meet three of the '6 tests' set out within the NPPF.

6.5 Paragraph 017 of the National Planning Practice Guidance considers whether it is *"appropriate to use conditions to restrict the future use of permitted development rights or changes of use?"* The guidance states that *"conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. 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. The local planning authority also has powers under article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to enable them to withdraw permitted development rights across a defined area".*

6.6 The LPA's refusal reason states that *"the removal of condition 7 would enable unfettered permitted development rights which could result in significant loss of private rear garden space harmful to occupiers living conditions, harm to neighbour amenity, and a diminution of the quality of the original design of the bungalow. Accordingly, the proposal is contrary to Adur Local Plan policy 15 and Development Management Standard No.1 "Space Around New Dwellings and Flats", Development Management Standard No.2 "Extensions and Alterations to Dwellings" as well as the Core Planning Principle of the National Planning Policy Framework to always seek to secure high quality design and a good standard of amenity for all".*

6.7 As outlined in paragraph 017 of the NPPG, "*conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances". It is our view that no exceptional circumstances exist in this instance to warrant such a restrictive condition being applied.*

6.8 Further, the LPA in their decision notice **do not** *'precisely define'* the scope of the condition by referencing the relevant provisions in the Town and Country Planning (General Permitted Development) (England) order 2015, so that it is clear exactly which rights have been limited or withdrawn. There is no specific reference to which classes or parts of the GPDO have been removed. Rather, the LPA in their decision notice carry out a 'blanket removal' of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission.

6.9 As outlined in the NPPG guidance, the LPA's approach in this respect is *"unlikely to meet the tests of reasonableness and necessity".* It is our view that in this instance the blanket removal of Permitted Development Rights, as outlined in the LPA's decision notice is neither reasonable or necessary.

6.10 Notwithstanding the above, the LPA within their Officer's report confirm that the reason given for the original condition is *"to safeguard amenity and design integrity and to prevent overlooking".* Their report notes that the dwelling comprises a three-bedroom family home with a rear garden of approximately 105 square metres. It is noteworthy that this well exceeds the minimum standards for such houses which is set at 85 square metres within Management Standard No. 1. As such, the property has what can reasonably be considered to be a good-sized existing garden, by the LPA's own standards.

6.11 The LPA raise concerns regarding the potential for a rear extension to be added to the property under Class A permitted development rights, or a different outbuilding under Class E. The LPA contend that *"this would deprive the property of private, secure amenity space contrary to Council standards"*. They go on to note that the front garden is a reasonable size and south facing, although in their view not an *"adequate substitute for a private rear garden"*.

6.12 Due to the southerly aspect of the front gardens along this stretch of Old Fort Road, it will be noted that many properties utilise their front garden, as demonstrated by the presence of garden furniture and children's toys. Indeed, we would contend that this forms in fact part of the character of this section of Shoreham Beach and would respectfully request that the Inspector considers this point during their site visit.

6.13 In addition, it should be noted that the original roof of No. 89 Old Fort Road is too low (approximately 1.5m from top of ceiling joists to underside of ridge) to allow any future development under Class B. Any increase in the height of the building would require planning permission and as such, even with PD rights a roof conversion to this property is not possible.

6.14 The Appellant is the original architect for the building. It is common ground between the parties that he and his family would not wish to undermine the integrity of the design, by any future development. Further, he and his family have no intention to move from the property. Notwithstanding this point, it is our view that it is unreasonable for the Council to impose such a condition on the basis that Permitted Development *could* be altered in the future and that our client *may not* continue to reside at the property.

6.15 For the reasons outlined above, it is our view that the imposition of Condition 7 **would not** be compliant with the above tests in that it would **not be** Necessary, Precise or Reasonable in all other respects.

7 OTHER MATERIAL CONSIDERATIONS

7.1 It is our professional opinion that adequate reasons have not been given by the LPA to explain why Permitted Development Rights have been removed from this property.

7.2 The appellant is of the view that the LPA have developed a culture of inappropriately and liberally using planning conditions that serve no purpose in the enhancement of the built environment.

7.3 It is the Appellant's view that liberally applying planning conditions only serves to clog up the planning system and increase the work load of Architects and Planners contrary to the purpose of the GPDO.

7.4 In addition to planning condition 7, planning permission ref: AWDM/1541/13 contained numerous conditions that were and still are considered to be unnecessary. These are outlined in detail below:-

- **Condition 03:**
  Dilapidated fences had been replaced like for like prior to a planning application being made. This condition was unnecessary.

- **Condition 04:**
  Parking spaces to be provided prior to occupation. The driveway and therefore the parking spaces are shown on the approved planning drawing. A planning condition for this was unnecessary.

- **Condition 05:**

  The requirement for a 'wheel wash' facility for site traffic. Perhaps this condition was cut and paste from a much larger planning permission. During the course of the works on site a wheel wash was not provided. The appellant wrote to the case officer at the time and explained that he would not comply with this condition during construction. The Local Authority did nothing. The condition was unnecessary. To our knowledge, this condition has not been added to any other permissions for small scale or minor development (including new or replacement dwellings) on Shoreham Beach.

- **Condition 06:**

  Temporary parking arrangements for tradesmen: There is plenty of free parking upon the Old Fort Road which is often occupied by tradesmen. It is beyond the control of the Planning Department to control off-site parking. This condition was considered both unreasonable and unnecessary.

- **Condition 9:**

  Details of surface water drainage to be agreed. It is a requirement of all new houses to comply with the Building Regulations. It is also well known locally that Shoreham Beach is a shingle spit. Shingle has excellent natural drainage. The requirement for drainage to be agreed beyond compliance with building regulations was considered unnecessary.

- **Condition 10:**

  Schedule of Materials to be agreed. The schedule was set out on the approved planning drawings. This condition was unnecessary.

- **Condition 11:**
  The requirement for the control of dust prior to construction: As condition 5, this is likely to have been cut and paste from a larger planning permission and unnecessary for a single house. To our knowledge, this condition has not been added to any other permissions on Shoreham Beach.

7.5 In addition, the Appellant's Design and Access Statement (which accompanies this Planning Appeal) sets out comparable planning permissions along Old Fort Road. It demonstrates that out of 14 No. planning applications on the Old Fort Road, 5 of them have their Permitted Development Rights still intact. It is noted that in the majority of cases where PD rights were removed, the Council justified their position with the use of **Policy AH2.** It is our view that there is no consistency in the LPA's approach to removing PD Rights along Old Fort Road and the application of **Policy AH2.** In our view this approach is wholly unreasonable and does not comply with the 6 tests outlined above.

7.6 Finally, it is our view that the Council have unreasonable and therefore erroneously applied a condition restricting permitted development rights. **However, if the Planning Inspector does not agree with our assessment, we can confirm that the Appellant would be willing to accept a condition that restricts the erection of any building/ structure within 1 metre of the properties boundaries, notwithstanding the criteria set out within the General Permitted Development Order in respect of householder development.**

8.0 CONCLUSIONS

8.1 Planning Permission was granted for a bungalow at 89 Old Fort Road on 19th February 2014, under planning ref: **AWDM/1541/13/**. This building has been constructed and is now occupied by the Appellant and his family.

8.2 It is the Appellant's view that the decision notice relating to the above planning permission contained several unnecessary conditions. This includes condition 7 which strips the building of its permitted development rights.

8.3 Condition 7 attached to this planning permission reads as follows:-

"Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification) no windows or other openings (other than as hereby approved) shall be formed in the east or west walls of the building; or the dwelling extended or outbuildings of more than 10 cubic metres erected without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To safeguard amenity and design integrity and to prevent overlooking and to comply with policy AH2 of the Adur District Local Plan and National Planning Policy Framework".

8.4 This Planning Appeal seeks the removal of this planning condition.

8.5 The Appellant wishes to remove this condition because it inhibits their right to carry out modest development in accordance with their rights under the Town and Country Planning (General Permitted Development) (England) Order 2015.

8.6 The aim of Permitted Development rights is to enable homeowners to carry out small works to their homes in a controlled and modest way.

8.7 Most permitted development rights that are relied upon by homeowners are to do with modest single storey extensions, small sheds or garden buildings or conservatories to the rear of houses. We contend that the effect of these alterations has no effect on the wider character of the area, this is because the additions are at the rear of properties and generally cannot be seen within the public realm. It is our view that the Policies that are often quoted as the reason for removal of PD are irrelevant to the planning condition itself.

8.8 It is our view that the imposition of Condition 7 would not be compliant with the 6 tests, as set out in Paragraph 206 of the National Planning Policy Framework in that **it is not Necessary, Precise or Reasonable in all other respects**.

8.9 The imposition of condition 7 would also be contrary to the guidance contained within Paragraph 017 of the National Planning Practice Guidance.

8.10 The LPA in their decision notice **do not** *'precisely define'* the scope of the condition by referencing the relevant provisions in the Town and Country Planning (General Permitted Development) (England) order 2015, so that it is clear exactly which rights have been limited or withdrawn. This blanket removal of PD rights without precise reference to the GPDO is according to the NPPG "*unlikely to meet the tests of reasonableness and necessity".* It is our view that in this instance the blanket removal of Permitted Development Rights, as outlined in the LPA's decision notice is neither reasonable or necessary.

8.11 In summation, it is our view that the LPA have unreasonably and therefore erroneously applied a condition restricting Permitted Development rights, which would otherwise be to the benefit of the Appellant, and any future occupiers of the Appeal property.

8.12 However, if the Planning Inspector does not agree with our assessment in this respect, then we contend that the Condition could be varied so as to comply with the NPPG, whilst also setting out a restriction on the erection of any building/ structure being sited within 1 metre of the boundaries of the property, notwithstanding the criteria set out within the General Permitted Development Order in respect of householder development.

8.13 In conclusion, we respectfully request that this Appeal be allowed, and that condition 7 is removed from planning **ref: AWDM/1541/13/.**

March 2018