

**PLANNING STATEMENT TO ACCOMPANY PLANNING APPLICATION
DC/26/1579**

**APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING
ACT 1990 FOR THE REMOVAL OF CONDITION 10 FROM PERMISSION
NH/164/98 TO RESTORE PERMITTED DEVELOPMENT RIGHTS**

Planning application NH/164/98, for the erection of 2 houses, 2 bungalows, carports and garages was granted permission on 6th November 1998 and subsequently built-out. Condition 10 of the permission stated :-

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or Orders amending or revoking and re-enacting the same, the building(s) shall not be extended or altered, unless permission is granted by the Local Planning Authority on application in that behalf.

Reason: To maintain control over the development in the interests of amenity”

The four dwellings built under application now called Copper Beech, Holly End, The Orchards and Fir Trees have now been occupied for the past 25 years and have not been extended. It should be noted that a 5th house in the close (Oakwell) is not subject to the original application or conditions, and it is not known whether this bungalow retained its permitted development rights when first constructed.

The dwellings, especially the bungalows, have a poor layout, small kitchen and dining room and during the process of trying to sell Copper Beech many prospective purchasers have talked about the need to extend and having no permitted development rights is likely to be an issue.

The site of all 4 properties is quite enclosed being surrounded by trees, with the 2 houses Holly End and The Orchards backing on to a graveyard, Pine Trees one of the bungalows backs onto flats although with tall trees to the rear their no real overlooking. Copper Beech has a long garden with trees and is not overlooked. It should be noted that since their construction other developments have taken place around them.

The reason given for the removal of permitted development rights was “in the interests of amenity” although it is unclear whose amenity given the nature of the site. The condition was imposed prior to construction and therefore any impact of the development could not have been assessed.

Current guideline for the imposition of a condition removing permitted development rights as set out in the National Planning Policy Framework states “planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so”. The justification as previously attached to the condition is vague and does not meet the current requirements.

Planning Practice Guidance states that “Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. Again condition 10 based upon the current situation is not necessary and unreasonable.

In conclusion condition 10 attached to application NH/164/98 is no longer relevant given the current situation and does not meet current guideline for the imposition of a condition

removing permitted development rights on the 4 dwellings. It therefore requested that the application be approved and permitted development rights be reinstated to the properties.