

A different view



Planning appeal statement

Healings Farm, Waddington, BB7 3JE

November 2023

Project Title

Appeal against decision to refuse prior approval application
3/2023/0687 by Ribble Valley Borough Council for a prior approval
Class ZA - demolition of existing building and construction of
dwelling house at Healings Farm

Appellants Name

Mr Ashley Rostron

Date

November 2023

Client Lead

Fiona Tiplady, MRTPI
Associate Director - Planning

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1. Introduction

- 1.1: This appeal statement of case has been prepared on behalf of Mr Ashley Rostron, in support of an appeal against the refusal of prior approval application 3/2023/0687 by Ribble Valley Borough Council for the prior approval (Class ZA) demolition of building and construction of a dwelling house at Healings Farm.
- 1.2: The application was refused on 24th October 2023 for the following reason:
1. *The proposed dwelling would be two-storeys and visible from various public vantage points. It would result in an incongruous, unsympathetic and conspicuous addition to the application site and wider open countryside that would be harmful to the visual amenities of the area. The proposal would be in conflict with Paragraph 130 of the NPPF and Policy DMG1 of the Ribble Valley Core Strategy. As such, the proposed development has been considered against the provisions of Class ZA.2 paragraphs (d) and (e) relating to matters of design and external appearance of the building and prior approval is refused.*
- 1.3: The following statement sets out the case of the appellant and grounds for appeal against the refusal of planning permission.
- 1.4: We welcome the appointed Planning Inspector's careful consideration of the information presented in this statement.

Site location

- 1.5: The context of the application site relates to a cluster of buildings situated on the North-eastern outskirts of Waddington. These were originally used for agricultural use and now benefit from light industrial use.

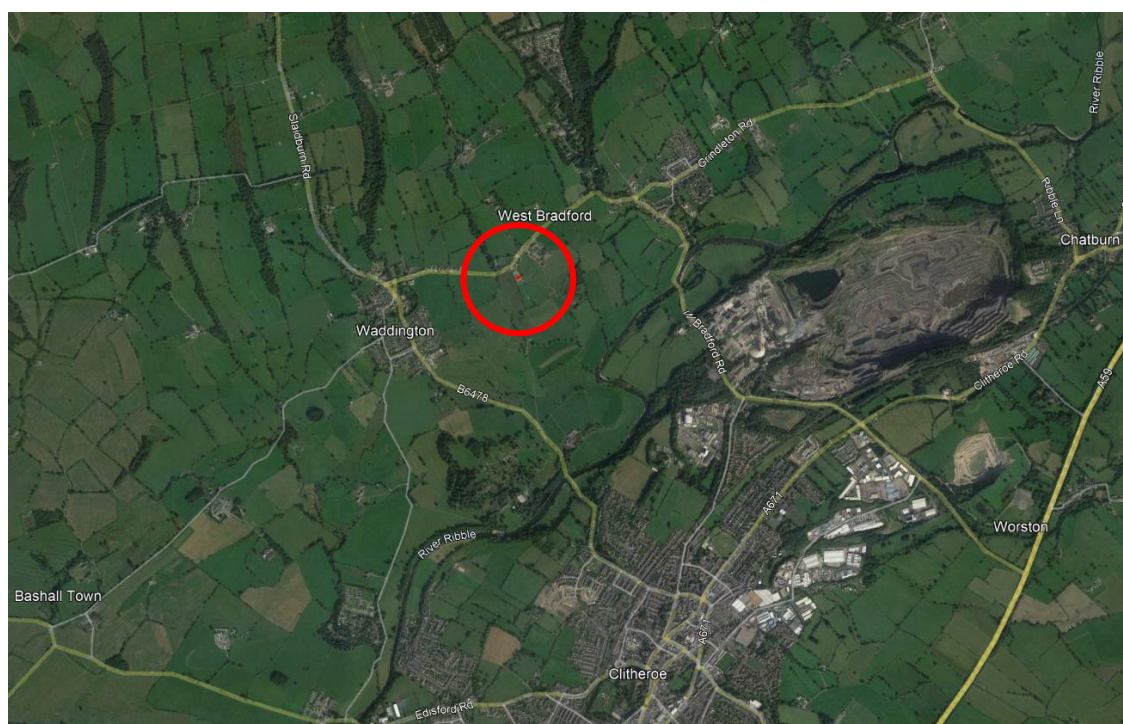


Figure 1: Appeal site circled in red.



Figure 2: Building proposed for demolition outlined in red.

- 1.6: The farmstead previously operated as a poultry rearing site (with a use later granted for the construction of light aircraft parts) and comprises a residential unit, detached garage and numerous former agricultural buildings comprised of a pitched roof building, five Nissen huts and a mono pitched building which is to be demolished as part of the proposal.



Figure 3: Building subject to appeal.

- 1.7: Access to the proposal site is from West Bradford Road with two Public Rights Of Way flanking the northern and western sides of the site.
- 1.8: A small cluster of residential properties and a primary school lie just to the north of the farmstead with the wider area comprising a mixture of woodland, agricultural land and open countryside. The landscape south and east of the site is dominated by cement and asphalt works.



Figure 4: Cement and asphalt works to the south and east of the site.



Figure 5: Location plan of appeal site.

Site designations

- 1.9: The Forest of Bowland AONB lies directly to the north of the proposal site on the northern side of West Bradford Road. The site, therefore, does not fall within an AONB, or any other local or national landscape designation, nor is it located within a Conservation Area.
- 1.10: The site is not designated as an ecologically sensitive location.
- 1.11: The site is located within Flood Zone 1 as identified by the Environment Agency and is at the lowest risk of flooding.
- 1.12: As noted, two Public Rights of Way flanking the northern and western sides of the subject site. These will remain free and unobstructed at all times.

Planning history

- 1.13: The site benefits from a previously granted planning permission reference no. 3/1993/0533 for use of redundant farm buildings for the manufacture of a light aircraft. The lawful use of the building subject to this appeal is light industrial (formerly Class B1, now Class E).

Description of development

- 1.14: This application relates to the demolition of an existing single storey mono pitched light industrial workshop building which is to be replaced with a new two-storey dwelling with associated landscaping, access and parking under the provisions of Schedule 2, Part 20, Class ZA of the Town and Country Planning (General Permitted Development) Order 2015.
- 1.15: As referenced below, the new dwelling has been designed in accordance with the regulations.

2. Legislative context

2.1: This section of the appeal statement summarises the relevant planning legislation context to the appeal.

Legislation

2.2: Schedule 2, Part 20, Class ZA of the Town and Country Planning (General Permitted Development) (England) Order 2015 is applicable to the determination of whether the prior approval of the Local Planning Authority is required for the proposed development.

Part 20 Class ZA (General Permitted Development) (England) Order permits:

ZA.—(1) Development consisting of works for the demolition of one or other of—

- a) any building comprising a single purpose-built detached block of flats, and*
- b) any other single detached building, comprising premises established—*
 - (i) for office use falling within Class B1(a) of the Schedule to the 1987 Order,*
 - (ii) for research and development falling within Class B1(b) of the Schedule to the 1987 Order, or*
 - (iii) for an industrial process falling within Class B1(c) of the Schedule to the 1987 Order,*

or for any combination of them.

Existing on 12th March 2020, together with its replacement by a single building covered by sub-paragraph (2), involving operations listed in sub-paragraph (3).

(2) The building in question is to comprise one or other of—

- a) a purpose-built detached block of flats, or*
- b) a purpose-built detached dwellinghouse.*

(3) The operations in question are—dou

- a) operations reasonably necessary for the demolition and construction, which may include the installation of a basement or cellar in the new building, whether or not there is one in the old building;*
- b) works for the removal of plant servicing the old building;*
- c) works for the disconnection of services from the old building;*
- d) works for the removal of any means of access to and egress from the old building;*
- e) works for the removal of storage and waste from the old building;*
- f) works for the installation of plant to service the new building;*
- g) works for the installation of services to be connected to the new building;*
- h) works to enable access to and egress from the new building, including means of escape from fire;*

- i) works for the construction, within the new building, of storage, waste or other ancillary facilities to support the new building;*
- j) the use of scaffolding and other temporary structures to support the operations listed in paragraphs (a) to (i) over a period—*
 - (i) starting with their installation no earlier than one month before the beginning of those operations, and*
 - (ii) ending with their removal no later than one month after the completion of those operations.*

2.3: In determining the application, the Planning Officer helpfully assesses the proposed development against the relevant criteria of Class ZA with commentary on how the proposal meets these criteria; thus, resulting in a permitted form of development. We have set this out below in a tabular format, for ease of reference.

Criteria of ZA1. Development is not permitted by Class ZA—	Officer Commentary
<p>(a) if land covered by, or within the curtilage of, the old building—</p> <p>(i) is occupied in any part under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;</p> <p>(ii) is or forms part of article 2(3) land;</p> <p>(iii) is or forms part of a site of special scientific interest;</p> <p>(iv) is or forms part of a listed building or land within its curtilage;</p> <p>(v) is or forms part of a scheduled monument or land within its curtilage;</p> <p>(vi) is or forms part of a safety hazard area;</p> <p>(vii) is or forms part of a military explosives storage area; or</p> <p>(viii) is within 3 kilometres of the perimeter of an aerodrome;</p>	<p>The land covered by and within the curtilage of the old building does not form any of the above and is not occupied in any part under an agricultural tenancy or sited within 3 kilometres of the perimeter of an aerodrome.</p>
<p>(b) if the old building was constructed after 31st December 1989;</p>	<p>Construction of the old building pre-dates 31st December 1989.</p>
<p>(c) if the footprint of the old building exceeds 1,000 square metres;</p>	<p>The footprint of the old building measures 161 m².</p>

<p>(d) if the height of the highest part of the roof of the old building above ground level (not including plant, radio masts and antennae) is greater than 18 metres at any point;</p>	<p>The height of the highest part of the roof of the old building above ground level measures 4.2 metres.</p>
<p>(e) unless the old building has been vacant for a period of at least 6 months immediately prior to the date of the application for prior approval;</p>	<p>The application's supporting information states that the old building has been vacant for at least six months prior to the submission of this application and in this instance, there is no evidence to suggest otherwise.</p>
<p>(f) if the old building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the old building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support (and for this purpose keeping the old building vacant does not of itself count as action or inaction);</p>	<p>The application's supporting information states that the building to be demolished has not been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the old building stands and in this instance, there is no evidence to suggest otherwise.</p>
<p>(g) if the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area);</p>	<p>The building to be demolished is not sited within a Conservation Area therefore the proposed demolition is not "relevant demolition" for the purposes of section 196D of the Act.</p>
<p>(h) if any of the footprint of the new building falls outside the footprint of the old building;</p>	<p>Comparative analysis between the application's existing and proposed site and floor plans shows that the footprint of the new building would not fall outside the footprint of the old building.</p>

<p>(i) if any part of the exterior wall of the new building nearest to a highway is nearer to the highway than the part nearest the highway of the exterior wall nearest the highway of the old building;</p>	<p>Comparative analysis between the application's existing and proposed site plans shows that none of the exterior walls within the new building would be nearer to the highway relative to the exterior walls within the existing building.</p>
<p>(j) if the height (not including plant, radio masts and antennae) of the new building would at any point exceed the lower of—</p> <p>(i) 7 metres above the height (not including plant) of the old building; or</p> <p>(ii) 18 metres, above ground level;</p>	<p>The height of the new building would be 7.2 metres which would be less than 7 metres above the height of the old building.</p>
<p>(k) if the new building has more than X + 2 storeys, where "X" is the number of storeys in the old building;</p>	<p>The new building would comprise one additional storey with respect to "X" in the old building and therefore satisfies this criteria.</p>
<p>(l) if the new building has more storeys than the old building and the floor to ceiling height of any additional storey in the new building, measured internally, would at any point be greater than the lower of—</p> <p>(i) the floor to ceiling height, measured internally, of any storey in the old building; or</p> <p>(ii) 3 metres; or</p>	<p>The internal floor to ceiling height of the old building measures 4.0 metres. The additional storey within the new building would be 3.0 metres and as such would be compliant with the above criteria.</p>
<p>(m) if the height of any plant on the roof of the new building as measured from the lowest surface of that roof would be greater than the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the old building.</p>	<p>The roof of the existing building does not compromise any plant.</p>

2.4: The local planning authority accepts that the building qualifies for demolition under Class ZA, subject to conformity with the details of the regulations.

2.5: In addition to meeting the above criteria of Class ZA, it is also a requirement to address matters (a) – (f) below which are included as conditions of the legislation.

- a) transport and highways impacts of the development;
- b) contamination risks in relation to the new building;
- c) flooding risks in relation to the new building;
- d) the design of the new building;
- e) the external appearance of the new building;
- f) the provision of adequate natural light in all habitable rooms of each new dwellinghouse in or comprising the new building;
- g) the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light;
- h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
- i) the impact on business and new residents of the development’s introduction of, or increase in, residential use in the area in which the development is to take place;
- j) the impact of the development on heritage and archaeology;
- k) the method of demolition of the old building;
- l) the plans for landscaping of the development, including the planting and maintenance of shrubs and trees; and
- m) any—
 - (i) air traffic and defence asset impacts of the development, and
 - (ii) impact that, because of the siting of the new building, the development will have on a protected vista identified in the Directions Relating to Protected Vistas dated 15th March 2012 by the Secretary of State,

unless no part of the new building (including plant, radio masts and antennae) occupies airspace not occupied by the old building (including plant, radio masts and antennae).

2.6: In considering the application the Case Officer confirmed that the proposed development would accord with all conditions except for conditions d and e. The Planning Officer's assessment of these conditions is set out, again in tabular format, below:

Conditions ZA.2.(2)	Officer Commentary
(a)transport and highways impacts of the development;	Prior Approval is required because the dwelling will be accessed from a classified road. As such, consultation has been undertaken with Lancashire County Council Highways. The response from the LHA acknowledges a shortfall in parking provision for the proposed dwelling however the LHA have stated that they would be willing to accept the shortfall of one off street parking space on the basis of the proposed dwelling being sited at a sufficient distance from the adopted highway. The LHA have made a request for additional conditions to be

	<p>implemented in relation to construction management, access arrangements, parking and turning facilities, cycle storage and electric vehicle charging. Notwithstanding this, it is not considered that the proposed development would have any undue impact on the surrounding highway network. Prior approval is therefore approved on this matter.</p>
<p>(b) contamination risks in relation to the new building;</p>	<p>The application's supporting information states that there are no known contamination risks on site and that relevant actions will be undertaken in the event of uncovering any previously unknown contamination at the site as part of the building regulations process for the construction of the new building. Notwithstanding this, it remains unclear as to whether contaminants are present on the proposal site therefore further investigation of the site would be required which could be secured by condition. Prior approval is therefore required and approved in relation to this particular consideration.</p>
<p>(c) flooding risks in relation to the new building;</p>	<p>With regards to the matter of flooding, the Environment Agency flood map shows the application site to be located within Flood Zone 1 and there are no known local flooding issues. Prior approval is therefore not required in relation to this particular consideration.</p>
<p>(d) the design of the new building;</p>	<p>See assessment under (e) below</p>
<p>(e) the external appearance of the new building;</p>	<p>Prior approval is required because the proposed dwelling is two-storey, and would be viewable within the public realm from West Bradford Road and from the two Public Rights Of Way which flank the northern and western extents of the site. The siting is also set back from West Bradford Road within open countryside.</p> <p>Paragraph 130 of the NPPF states:</p> <p><i>'Planning policies and decisions should ensure that developments are sympathetic to local</i></p>

	<p><i>character and history, including the surrounding built environment and landscape setting’.</i></p> <p>In addition, Policy DMG1 of the Ribble Valley Core Strategy states:</p> <p><i>‘All development must be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing and style...particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character.’</i></p> <p>The application site in question comprises a linear-shaped land parcel which extends in a south-eastwards direction from West Bradford Road towards extensive open countryside. Additional built form within the immediate vicinity of the proposal site is largely centred around West Bradford Road to the north of the application site and comprises a small cluster of traditional and modern residential properties and a school complex. Built form beyond the southern extents of West Bradford Road between Waddington and West Bradford is otherwise largely limited to the buildings within the application site and agricultural buildings within the adjacent farmstead at Laneside Farm.</p> <p>In this instance, the existing building to be demolished comprises a single-storey mono-pitched roof structure consisting of concrete blocks, timber doors and a profiled metal roof. The building to be demolished is unremarkable in terms of design and largely reflects the character of the existing buildings within the proposal site with respect to its height, external appearance and agricultural / light industrial design.</p> <p>In contrast, the proposed dwelling would comprise a two-storey structure sited on the footprint of the existing building, with the replacement building exceeding the height of</p>
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	<p>the existing buildings within the application site by a considerable measure. As such, the proposed dwelling would be a disproportionate and anomalous addition to the application site by virtue of its height and cubic volume.</p> <p>In addition, the proposed dwelling would be viewable within the public realm from West Bradford Road and from the two Public Rights Of Way which flank the northern and western extents of the site therefore the visual impact of the proposed dwelling would be pronounced, with this visual impact being further exacerbated by virtue of the dwelling being set into the open countryside well back from the discernible building line of residential development along the south-eastern side of West Bradford Road.</p> <p>Furthermore, concerns were previously raised with respect to the design of the proposed dwelling within refused planning application 3/2023/0444 and whilst some amendments have been made to the design and external appearance of the currently proposed dwelling, it is considered that the dwelling proposed would still fail to reflect the vernacular of dwellings within the immediate vicinity of the proposal site along West Bradford Road with respect to its footprint size, height, cubic volume and fenestration.</p> <p>Taking account of the above, it is considered that the proposed dwelling would read as a largely unsympathetic and incongruous addition to the proposal site that would be unduly harmful to the visual amenities of the surrounding area. Accordingly, the proposal is considered to be in conflict with the aims and objectives set out in Paragraph 130 of the National Planning Policy Framework and Policy DMG1 of the Core Strategy. Prior approval is therefore refused.</p>
<p>(f) the provision of adequate natural light in all habitable rooms of each new</p>	<p>The application's floor plans and elevation drawings indicate that all habitable rooms within the proposed dwelling would be served</p>

<p>dwellinghouse in or comprising the new building;</p>	<p>by windows and glazed openings which would ensure an adequate provision of natural light to support residential use. Prior approval is therefore not required in relation to this particular consideration.</p>
<p>(g) the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light;</p>	<p>The proposed dwelling would be sited approximately 60 metres away from the nearest residential receptors of Healings Farm and The Hawthorns. Therefore there is an acceptable relationship that would be in place between the proposed dwelling and surrounding residential properties to circumvent any potential issues of overlooking and loss of privacy and natural light. Prior approval is therefore not required in relation to this particular consideration.</p>
<p>(h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;</p>	<p>The proposed dwelling would not be located within the vicinity of any commercial premises however Waddington & West Bradford C Of E Primary School lies within reasonably close approximately to the site for the proposed dwelling. Notwithstanding this, the proposed dwelling would be sited approximately 90 metres away from the aforementioned school premises therefore given the separation distance in place between the proposed dwelling and school it is not considered that residents of the proposed dwelling would be subjected to acute levels of noise disturbance from the aforementioned school premises. Prior approval is therefore not required in relation to this particular consideration.</p>
<p>(i) the impact on business and new residents of the development's introduction of, or increase in, residential use in the area in which the development is to take place;</p>	<p>The proposed development would increase residential use of the proposal site and its immediate surroundings however in this instance the proposed introduction of one additional four-bedroom dwelling within an existing small cluster of residential dwellings is considered to be an appropriate use for the area in which the development is to take place. It is not anticipated that the introduction of one new residential dwelling would have any adverse impacts upon</p>

	<p>businesses within the locality. Prior approval is therefore not required in relation to this particular consideration.</p>
<p>(j) the impact of the development on heritage and archaeology;</p>	<p>The proposed site is not located within any Conservation Area, World Heritage Site or curtilage of any Listed Building and does not affect the setting of any Conservation Area, World Heritage Site, Listed Building or Scheduled Monument. Furthermore, the building to be demolished to facilitate the proposed development is an unremarkable modern farm building with no documented heritage value. Moreover, no archaeological constraints are known to exist within or around the proposal site. Prior approval is therefore not required in relation to this particular consideration.</p>
<p>(k) the method of demolition of the old building;</p>	<p>The application's supporting information states that the existing building is to be demolished by accredited professionals through the use of machinery to crush the concrete blocks of the building. The building's metal profiled roof is to be repurposed by the applicant with all materials within the existing building to be reused where possible to reduce the carbon footprint of the new construction. Existing services to the building are to be disconnected and made safe until reused as part of the new structure. Part of the site's existing hardstanding area is to be removed to allow for the landscaping plan to be implemented, with the remnant hardstanding to be crushed and reused on site where needed or disposed of appropriately via an accredited professional. The local planning authority has no objection to any aspect of these works therefore the proposed development is considered to be acceptable in relation to this particular consideration, subject to the provision of a demolition method statement prior to any works of demolition taking place on site. Prior approval is therefore required and approved in relation to this particular consideration.</p>

<p>(l) the plans for landscaping of the development, including the planting and maintenance of shrubs and trees; and</p>	<p>A landscaping plan has been submitted in support of the proposed development which indicates that the proposal site would comprise a range of tree, hedge, shrub and grass planting to support the proposed residential use of the site. The proposed landscaping scheme has been reviewed by the Council's Countryside Officer who has deemed the landscaping arrangement to be acceptable. Prior approval is therefore required and approved in relation to this particular consideration.</p>
<p>(m) any—</p> <p>(i) air traffic and defence asset impacts of the development, and</p> <p>(ii) impact that, because of the siting of the new building, the development will have on a protected vista identified in the Directions Relating to Protected Vistas dated 15th March 2012 by the Secretary of State (3),</p> <p>unless no part of the new building (including plant, radio masts and antennae) occupies airspace not occupied by the old building (including plant, radio masts and antennae).</p>	<p>UK Civil Aviation Authority guidance with regards to planning consultations states that there is no requirement for local planning authorities to consult with the CAA with respect to low-rise structures (structures of a height of 100ft above ground level or less that are situated away from aerodromes or other known sites of aviation activity) with wind turbines being the only exception to this. In this instance, the proposed development relates to the construction of a new dwelling which would fall within the realm of a low-rise structure. In addition, GIS analysis shows that the proposal site lies outside of all of the following National Air Traffic Services (NATS) safeguarded airspace buffer zones:</p> <ul style="list-style-type: none"> • Primary Surveillance Radar (PSR) (20m to 200m buffer zones) • Secondary Surveillance radars (SSR) (15nm / ~28km buffer zones) • Air-Ground-Air communication sites (AGA) (10km buffer zones) • En-route navigation aids (10km buffer zones) <p>As such, consultation with the UK Civil Aviation Authority and National Air Traffic Services is not required in this instance. Prior approval is therefore not required in relation to this particular consideration.</p> <p>The proposed development would not impact upon any of the protected vista identified in</p>

	<p>the Directions Relating to Protected Vistas dated 15th March 2012 by the Secretary of State. Prior approval is therefore not required in relation to this particular consideration.</p>
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3. Grounds of Appeal

3.1: The prior notification application to which this appeal relates was refused by Ribble Valley Borough Council on 24th October 2023. The sole reason for refusal stated on the decision notice is as follows:

1. *The proposed dwelling would be two-storeys and visible from various public vantage points. It would result in an incongruous, unsympathetic and conspicuous addition to the application site and wider open countryside that would be harmful to the visual amenities of the area. The proposal would be in conflict with Paragraph 130 of the NPPF and Policy DMG1 of the Ribble Valley Core Strategy. As such, the proposed development has been considered against the provisions of Class ZA.2 paragraphs (d) and (e) relating to matters of design and external appearance of the building and prior approval is refused.*

3.2: Following a review of the reason for refusal by the project team, the appellant has the following grounds of appeal:

- That the council have failed to determine the application in accordance with the approved legislation.

3.3: The Ground of Appeal is presented in detail below:

That the council have failed to determine the application in accordance with the approved legislation.

In refusing the application the decision notice states that the proposed development has been considered against the provisions of Class ZA.2 paragraphs (d) and (e) relating to matters of design and external appearance of the building. In coming to this decision, the Case Officer considered that the proposal

‘would result in an incongruous, unsympathetic and conspicuous addition to the application site and wider open countryside that would be harmful to the visual amenities of the area’ in conflict with Policy DMG1 of the Ribble Valley Core Strategy’.

We note that Paragraph B(15) of Part 20, Class ZA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) requires a local planning authority to take into account any representations made to them as a result of consultation and to have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval as if the application were a planning application. **There is no provision for a local planning authority to take into account the development plan.**

This is highlighted in a recent appeal decision (ref: APP/M5450/W/22/3292680 – decision submitted as Appendix A to this appeal) which sought permission for the demolition of existing buildings and construction of a four to six storey building containing 33 flats at Marlborough House, Harrow, London. In this referenced case, the council refused the application under the following conditions of Class ZA:

- g) the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light; and
- l) the plans for landscaping of the development, including the planting and maintenance of shrubs and trees.

In allowing the appeal the Inspector, at Paragraph 19, states:

19. I acknowledge the council's comments in respect of visual setting and biodiversity enhancements. **However, taking into account the provisions of the GPDO there is no requirement for development under Part 20 ZA.2(2) to consider such matters. Furthermore, I am mindful of the Planning Practice Guidance¹ which is clear that statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications and is a light-touch process. (our emphasis)**

Such an approach must be related to the proposal subject to this appeal and by assessing the scheme under the policies of the Local Plan the council has failed to determine the application in accordance with the approved legislation.

We note that the main issue raised by the council in the refusal of this application related predominantly to the impact of the proposed dwelling due to its increased height. The same appeal, referenced above, also provided commentary on this matter with the Inspector stating:

22. Furthermore, the principle of upward extensions is established by the GPDO. The increased height and a taller building are an inevitable consequence and has to be interpreted as not being inconsistent with the street scene and wider area for the purposes of Part 20, Class ZA.

We note that the design of the building is considered to be within the height parameters as is considered acceptable within the restrictions of Class ZA. Based on the above we believe that, in the context of the prior approval legislation the council has erred in their assessment by considering the application against the development plan.

For the above reason, we consider that the council have failed to determine the application in accordance with the approved legislation and that the proposal subject to this appeal should be allowed.

¹ PPG: When is permission required? Paragraph: 028 Reference ID: 13-028-20140306

4. Recommended conditions

- 4.1: It is fully accepted that should the appeal be allowed conditions may be required where necessary and justifiable.

5. Conclusion

- 5.1: The above statement and information submitted as part of the original planning application provide substantial evidence that the proposed dwelling accords with Schedule 2, Part 20, Class ZA of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 5.2: We believe that, in the context of the prior approval legislation the council has erred in their assessment by considering the application against the development plan.
- 5.3: For the above reason, we consider that the council have failed to determine the application in accordance with the approved legislation and that the proposal subject to this appeal should be allowed.

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