



Planning Statement

Applicant:	Mr A Howarth
Site Address:	2 Swillington Lane Swillington Leeds LS26 8QD
Proposal:	Variation of Condition

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1.0 Introduction

1.1 RBA Town Planning has been instructed by Mr A Howarth to prepare and submit a Planning Application to Leeds City Council for a variation of condition on a previous planning permission.

The application will set out the proposal and provide reasoned justification as to why the proposal is considered acceptable.

Documents submitted with the application include the following;

Decision Notice for application 20/02979/FU

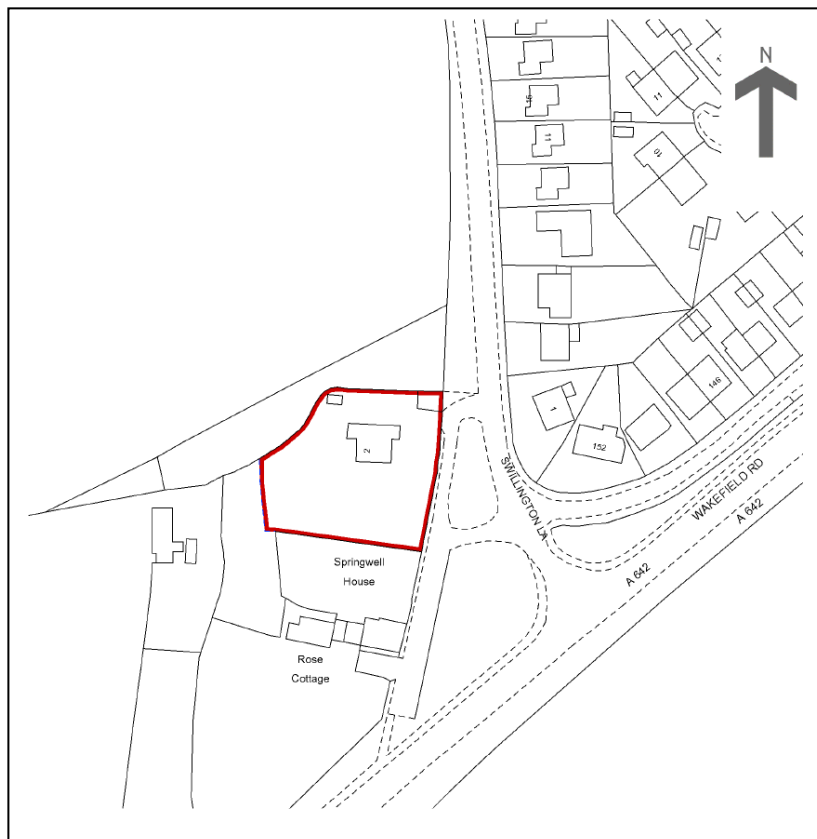
Site Plan

Location Plan

2.0 The Site

2.1 The Application Site comprises a detached bungalow located to the west of Swillington Lane close to the junction with the A642, Wakefield Road. The plot is set back from the highway behind a wide grassed verge and pedestrian footpath. The dwelling is further set back within a large plot occupying some 1600sq m. The dwelling itself occupies a footprint of approximately 160sq m in its extended form, around 10% of the overall area of the plot.

Figure 1. The Application Site



3.0 Proposal

3.1 The application proposes to vary condition 3 of Planning Permission 20/02979/FU, which was granted on 9th November 2020.

The condition reads:

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any development within Classes A, B, E and F of Schedule 2, Part 1 is carried out.

The reason provided for the condition was *“In the interests of preventing inappropriate development in the Green Belt.”*

3.2 The Applicant is applying for the condition to be varied to read:

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any development within Class A of Schedule 2, Part 1 is carried out.

4.0 Assessment

4.1 The Council imposed the condition to remove the permitted development rights in relation to four classes of Schedule 2, Part 1 - Development within the curtilage of a dwellinghouse:

- Class A – enlargement, improvement or other alteration of a dwellinghouse.
- Class B – additions etc to the roof of a dwellinghouse.
- Class E – buildings etc incidental to the enjoyment of a dwellinghouse.
- Class F – hard surfaces incidental to the enjoyment of a dwellinghouse.

4.2 The National Planning Policy Framework (NPPF) is clear (paragraph 54) that planning conditions should not be used to restrict permitted development rights unless there is a clear justification to do so. Furthermore, Planning Practice Guidance (paragraph 017) states *“Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity.”*

The reason given by the Council for the condition was to ‘prevent inappropriate development in the Green Belt’. However, PD rights have not been withdrawn, in total or in part, under any of the GPDO. The LPA have not provided a reason why the Applicant should be denied these rights when neighbouring properties would retain them.

4.3 When considering this case there is an element of inconsistency. A local authorities should not arbitrarily remove permitted development rights from one property owner while leaving them unchanged in others, especially when not based on sound planning principles. In this case, the removal of permitted development rights is not consistent with national planning policy.

Permitted development rights were established by the government to enable minor development without the need for planning permission. Given the scale of the site, it is considered the site is not overdeveloped and retains an open appearance with the dwelling and outbuilding having a footprint of approximately 170m². Considering the site area measures around 1475m², the buildings account for 11.5% of the site area. Further, a high proportion of the built form is a single storey.

4.4 The removal of permitted development rights for the applicant has significant negative implications for the property. Many forms of minor development are now not possible without the need for planning permission. Given the property is within the Green Belt, this makes such developments unlikely even though national policy does not restrict permitted development rights within the Green Belt.

This places an unnecessary burden on the client, both in terms of time and money, and restricts their ability to make necessary changes to their property.

4.5 It is considered that in respect of national planning policy, including both the NPPF and the GPDO, there are no planning reasons for the removal of permitted development rights: In this case, there were no valid planning reasons for the local planning authority to remove permitted development rights from your client's property. The only justification given was to 'prevent inappropriate development within the Green Belt'. As such, it is considered there is no justification for the removal of the rights, and they should be reinstated.

4.6 Allowing for minor development without the need for planning permission can encourage sustainable development, as it enables property owners to make necessary changes to their property without the need for costly and time-consuming planning applications. This can lead to a more efficient and sustainable use of land.

4.7 Allowing local authorities to remove permitted development rights without justifiable planning reasons sets a dangerous precedent that undermines national planning policy and the fairness and consistency of the planning system. Reinstating the rights in this case would help to reinforce the importance of adhering to national planning policy and upholding consistency in the planning system.

4.8 The Applicant does not seek the reinstatement of all permitted development rights. The Applicant recognises the existing single storey rear extension is beyond the limits of the Class A (enlargement, improvement or other alteration of a dwellinghouse) guidelines and therefore is content for the condition to be varied such that planning permission shall be obtained before any development Class A of Schedule 2, Part 1 is carried out.

4.9 In conclusion, reinstating permitted development rights would not only be consistent with national planning policy but would also bring cost savings and encourage sustainable development. The removal of permitted development rights without valid planning reasons sets a dangerous precedent and undermines the fairness and consistency of the planning system. As such, we respectfully request that the condition is varied and the client's permitted development rights be reinstated.

5.0 Conclusion

5.1 It is our contention that the application is consistent with both national and local plan policies.

5.2 It is considered the details provided within this statement provide sufficient justification for the condition to be varied as requested by the Applicant.

5.3 It is with respect that the Applicant asks the Authority to conclude the same and grant planning consent subject to appropriate planning conditions.