

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	<input type="text" value="60"/>
Suffix	<input type="text"/>
Property Name	<input type="text" value="Wilsom Farmhouse"/>
Address Line 1	<input type="text" value="Wilsom Road"/>
Address Line 2	<input type="text"/>
Address Line 3	<input type="text" value="Hampshire"/>
Town/city	<input type="text" value="Alton"/>
Postcode	<input type="text" value="GU34 2SP"/>

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
<input type="text" value="472701"/>	<input type="text" value="139071"/>

Description

Timber garage at above location

Applicant Details

Name/Company

Title

First name

Rachel

Surname

Palmer

Company Name

Address

Address line 1

60 Wilsom Road

Address line 2

Address line 3

Town/City

Alton

County

Country

United Kingdom

Postcode

GU34 2SP

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

**** REDACTED ****

Secondary number

Fax number

Email address

**** REDACTED ****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Conservatory and balcony to rear, detached garage following conversion of garage to habitable room and alterations to fenestration

Reference number

33920/004

Date of decision (date must be pre-application submission)

27/08/2010

Please state the condition number(s) to which this application relates

Condition number(s)

5
The garages and workshop hereby permitted shall be used only for the parking of private motor vehicles and ancillary domestic storage and for no other purpose. It shall not be converted into habitable accommodation or used for any other use thereafter.

Has the development already started?

- Yes
 No

If Yes, please state when the development was started (date must be pre-application submission)

01/10/2010

Has the development been completed?

- Yes
 No

If Yes, please state when the development was completed (date must be pre-application submission)

01/02/2011

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

Since this application was granted, the character of the area has changed such as to make the referenced condition an unnecessary and unreasonable restriction.

Per para 56 of the National Planning Policy Framework (NPPF), planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The applicant does not believe the condition meets these requirements.

The reasons given for the condition were: 'in the interests of highway safety and the site lies in a rural area where it is considered that further development may be detrimental to the character of the area...'. These reasons are no longer applicable as explained below.

Since this condition was imposed, the Authority has approved applications 33920/008 and 33920/010. These applications related to land south of and immediately adjacent to the land the subject of this condition and allowed for the development of two dwellings, one of which is some 2 metres away from the garage which is subject to this condition.

1. Highway safety. The highway authority was consulted in applications 33920/008 and 33920/010 and raised no objection. The Authority imposed no conditions on the grant of those applications relating to highway safety. It follows that any concern that the Authority had as to highway safety when this condition was imposed in 2010 no longer existed when those subsequent applications were granted. It further follows that the condition is therefore neither necessary nor reasonable and does not meet the requirements of NPPF paragraph 56.

Should this land be used for habitable accommodation, there is ample space for the parking and turning of vehicles within the applicant's own land, including the existing driveway and the detached double garage for which permission was given in application 33920/009.

2. Character of the area. Applications 33920/008 and 33920/010 allow for development of two dwellings immediately adjacent to this land. Application 55638/001 allows for the development of nine dwellings on land adjacent and to the south of those two dwellings. In granting those applications the Authority has agreed to a substantial change in the character of the area. It follows that any concern that the Authority had as to detriment to the character of the area when this condition was imposed in 2010 no longer existed when those subsequent applications were granted. It further follows that the condition is therefore neither necessary nor reasonable and does not meet the requirements of NPPF paragraph 56.

For these reasons the applicant seeks the removal of this condition. Removal of the condition would not change the operative part of the permission already granted, the description or nature of the development, or the use class of the property.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

The applicant seeks removal of the condition

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes
 No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
 The applicant
 Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes

No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

Yes

No

Is any of the land to which the application relates part of an Agricultural Holding?

Yes

No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

The Applicant

The Agent

Title

First Name

Surname

Declaration Date

Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Tim Palmer

Date

27/10/2023