

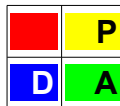
Section 73 of the Town and Country Planning Act 1990

Application to vary a condition following the grant of planning permission for the conversion of a stable to a dwelling, with an extension. (Reference 67550 and appeal reference APP/T4210/W/21/3288575)

Land opposite No.41 Arthur Lane, Radcliffe BL2 5PR.

Planning statement

Ref:GS.220326.Z



March 2026

Prepared by Hartley Planning and Development Associates Ltd

Planning history and current proposal

The above planning approval was granted subject to the following conditions: -

- 1. The development hereby permitted shall begin not later than 3 years from the date of this decision.*
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Existing and Proposed Site Plan; Existing Floor Plans Drawing No. 20/541/01; Proposed Floor Plans Drawing No. 20/541/02; and Existing and Proposed Elevations Drawing No. 20/541/03; and Existing and Proposed Site Plan.*
- 3. No development shall commence until details / samples of the materials to be used in the construction of the hardstanding and external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.*
- 4. No development shall commence until details of the vehicular access between the site and the adopted highway at Arthur Lane shall have been submitted to and approved in writing by the local planning authority.*
- 5. No development shall commence until drainage works for foul and surface water have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.*
- 6. No development shall commence until the building has been reassessed for bat roosting potential and the findings supplied to and agreed in writing by the local planning authority.*
- 7. No development shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, including a boundary native hedge planting scheme. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.*
- 8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.*

9. Prior to demolition of the structures on site an asbestos survey is to be carried out by an appropriately qualified contractor. Any asbestos identified shall be disposed of in an appropriate manner.

10. Any contamination that is found or suspected during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued

11. The development hereby permitted shall not be brought into use until the car parking indicated on the approved plans is surfaced, demarcated and made available for use.

12. The development hereby permitted shall not be brought into use until details of a dedicated area for the storage and management of refuse and recycling bins has been submitted to and approved in writing by the local planning authority. The approved area for the storage and management of refuse and recycling bins shall be provided before the use is commenced and shall be retained exclusively for this use thereafter.

The application is to vary condition No 2 to approval no. 67550 by replacing it to read as follows (with the proposed change shown in blue) :-

The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Existing and Proposed Site Plan; ~~Existing Floor Plans Drawing No. 20/541/01; Proposed Floor Plans Drawing No. 20/541/02; and Existing and Proposed Elevations Drawing No. 20/541/03; and Existing and Proposed Site Plan;~~ Floor Plans Reference GS.230326.X and Elevations Ref GS.230326.Y

In essence, the application is to enclose the existing stables overhang into the internal space of the dwelling. Otherwise, the approved plans, including the approved site plan remain unaltered.

The overhang/canopy is approximately 7 metres long and 1 metre wide.

The reason for the requested change is that without it the resulting habitable space within the building will be uncomfortably confined, especially when internal walling and insulation are added.

Following the discharge of pre-construction conditions 3,4,5,6,7 and 9, the local planning authority (LPA) approved an application for a Lawful Development Certificate (Ref 72364) to confirm that a lawful start has been made to the development and which is therefore extant.

The application site is in the Green Belt

The nature of S73 of the Act

While Planning Practice Guidance used to advise that S73 could be used for minor, material amendments, following the High Court decision of *Armstrong V SOS and Cornwall Council* (2023), it now states that *'there is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission'*.

The Main Issue

The main issues are (i) whether the proposed variation would result in an inappropriate development in the Green Belt including the effect of the variation on the openness and purpose of the Green Belt; (ii) the effect on the character and appearance of the area and (iii) if the variation would lead inappropriate development, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Inappropriate development

The extant permission for the change of use and extension of the stables to form a dwelling has been deemed on appeal not to be inappropriate development in the Green Belt. The LPA had refused the application leading to the appeal on highway safety grounds alone and it raised no objections in terms of Green Belt policy. Its

officer report (Ref 6552) notes that '*paragraph 145 sub-section (c) of the NPPF states that the extension or alteration of a building is acceptable if it does not result in disproportionate additions over and above the size of the original building*' and concludes that '*with an increase in the volume of approximately a third of the original volume, the proposed extension would not have a materially greater impact upon the openness of the Green Belt and as such, would be in accordance with the NPPF and UDP Policies H1/2 and OL1/4 relating to residential development and conversions*'.

The proposal to infill the space under the existing overhanging roof would involve an area measuring some 1 metre by a 7 metre length (7m²) and, by its limited addition, would have no substantial harm to openness or to the purposes of the Green Belt.

Character and appearance

In effect, the proposed variation is to bring the front elevation of the approved building forwards by 1 metre. Its elevational treatment, including the use of white render, would have the same visual effect as that of the extant approval

Overall, there would be no significant change to the impact of the variation in terms of the character or appearance of the building or its impact upon the area.

Very special circumstances

The change of use and conversion of the stables building to a dwelling is approved. However, once internal walling and insulation is added, the available habitable space in that part to be converted would be highly restricted. It would not constitute good design. The proposal rectifies matters without being inappropriate in the Green Belt and without affecting the character and appearance of the building or the area. This constitutes very special circumstances

Conditions

As pre- construction conditions 3,4,5, 6,7,8 and 9 have already been discharged there should be no need for their inclusion in any approval.