

Reference number: 15/509684

Additional informative

Cllr Springett has raised concerns regarding the use of the garage in the absence of a planning condition to restrict its use to residential.

Planning conditions need to meet the criteria set out in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG). These set out that that planning conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning and;
3. To the development to be permitted;
4. Enforceable;
5. Precise;
6. Reasonable in all other respects.

As the submitted application relates solely to the erection of a replacement dwellinghouse, which would fall under a C3 use class, there would be no permitted change that would allow the applicants to use the garage/office for any other purposes other than as ancillary to the use of the main house. Any commercial use would be likely to require a separate application for planning permission. As such a condition to restrict the use of the garage is not considered necessary as it could not be used for any commercial purposes without separate consent.

Whilst a condition would not meet the test of being 'necessary' it is recommended that an informative is attached to any decision advising the applicant of the likely need for planning permission. It is proposed to add an informative as follows:

The applicant is advised that this approval (including the detached garage/home office shown on Drg No. 15/615/03) grants planning permission solely for uses that are ancillary to the residential use of Yonder Cottage and any commercial activity or business use is likely to require further separate planning permission. The applicant is advised to seek pre-application planning advice from the Council should a commercial activity or business use be proposed.

Recommendation remains unchanged : Approve planning permission as set out in Section 11.0 of the report.