



Appeal Decision

Site visit made on 26 March 2018

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday 20th April 2018.

Appeal Ref: APP/F2360/W/18/3193022

**Bannister Hall Farm, Bannister Hall Lane, Higher Walton, Walton-Le-Dale
PR5 4DB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by conditions of a planning permission.
 - The appeal is made by Mr William Pye against the decision of South Ribble Borough Council.
 - The application Ref 07/2017/3611/DIS, dated 20 November 2017, sought approval of details pursuant to condition Nos. 9, 14, 15 & 17 of planning permission Ref 07/2014/0092/FUL, granted on 18 December 2014.
 - The application was refused by notice dated 15 December 2017 with respect to only condition Nos. 9 and 17.
 - The development proposed is described in the planning permission as erection of 11 dwellings mixture of semi-detached, terraces and 4no garage blocks following demolition of existing dwelling and outbuildings together with associated landscaping.
 - The details for which approval is sought are: site investigation and contamination assessment (condition 9); Sap assessments (condition 14); Sap assessments (condition 15), and; ecology survey (condition 17).
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Decision

1. Since the planning permission ref 07/2014/0092/FUL has expired no further action will be taken in connection with the appeal.

Reasons

2. The appeal relates to application ref 07/2017/3611/DIS submitted on 20 November 2017. The application sought to discharge conditions 9 (Contaminated Land), 14 & 15 (Code for Sustainable Homes) and 17 (Ecology) imposed on planning permission ref 07/2014/0092/FUL for erection of 11 dwellings and 4 no. garage blocks with associated works, following demolition of an existing dwelling and outbuildings at Bannister Hall Farm.
3. Notwithstanding the above, condition 1 of planning permission ref 07/2014/0092/FUL states that "*The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission*". The Council has indicated in its appeal statement that the planning permission was dated 18 December 2014 and that the planning permission expired on 18 December 2017. Those dates correspond with the Council decision notice relating to planning permission ref 07/2014/0092/FUL and the expiry date if development had not begun prior to the three year time limit stated in condition 1. Based upon the evidence before me and observations during my site visit, there is no indication that commencement of

development under planning permission ref 07/2014/0092/FUL had been undertaken prior to 18 December 2017 and therefore, I must determine that the planning permission expired on that date.

4. The application to discharge conditions 9, 14, 15 and 17 of planning permission ref 07/2014/0092/FUL was submitted to the Council on 20 November 2017. The application was, therefore, valid and remained so when the Council made its decision on 15 December 2017. However, the appeal dated 8 January 2018 was submitted following the expiry of planning permission ref 07/2014/0092/FUL on 18 December 2017. An expired planning permission and the conditions imposed therein, cease to exist other than as a point of reference in the planning history of a site. Consequently, the conditions imposed in planning permission ref 07/2014/0092/FUL and subject to application ref: 07/2017/3611/DIS are no longer capable of being discharged. The appeal before me is, therefore, invalid.
5. For the reasons given above, I conclude that the appeal is invalid. No further action will, therefore, be taken in connection with the appeal.

Gareth Wildgoose

INSPECTOR

Richborough Estates