Planning Inspectorate

Appeal Decision

Site visit made on 1 June 2026

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2026

Appeal Ref: 6006640
3 Lewsey Road, Luton LU4 0EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Mr Sajjid Hussain against the decision of Luton Borough Council.
- The application Ref 25/00942/FULHH was approved on 27 November 2025 and planning permission was granted subject to conditions.
- The development permitted is the erection of part-one part-two storey extension to side and rear of semi-detached dwellinghouse, and associated alterations.
- The condition in dispute is No 6 which states that: the building(s) and/or site shall be used as a single family dwelling house as specified within Class C3 specified in the schedule to the Town and Country Planning (Use Classes) Order, 1987, (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose.
- The reason given for the condition is: to ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and to ensure the resultant dwellinghouse contributes towards the need for larger family dwellings within the borough.

Decision

1. The appeal is allowed and the planning permission Ref 25/00942/FULHH for the erection of part-one part-two storey extension to side and rear of semi-detached dwellinghouse, and associated alterations at 3 Lewsey Road, Luton LU4 0EN granted on 27 November 2025 by Luton Borough Council, is varied by deleting condition 6.

Background and Main Issue

2. Planning permission was granted for the erection of a part-one part-two storey extension to side and rear of semi-detached dwellinghouse, and associated alterations at 3 Lewsey Road in November 2025[1]. Condition 6 of the planning permission restricted the use of the building and/or site as a single-family dwelling under Use Class C3.

3. Therefore, the main issue is whether condition 6 meets the tests set out in the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG), specifically whether it meets the tests of being necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

Reasons

4. The PPG sets out that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or

[1] LPA Ref: 25/00942/FULHH

necessity. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

5. As set out in the banner heading above, the reason given for the imposition of the subject condition was to ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and to ensure the resultant dwellinghouse contributes towards the need for larger family dwellings within the borough. The officer report offers limited explanation for the condition, other than stating that the improvements to the dwelling would increase its functionality, enabling it to accommodate a larger family and thereby contributing to meeting the identified need for family-sized housing within Luton. However, no further details regarding any such need were provided. Therefore, overall, the condition lacks clear justification.

6. The appellant directs me to Policy LLP15 of the Local Luton Plan 2011-2031 (2017) (LP) which sets out that housing provision within the Borough should reflect the identified housing need requirements of the area in the Strategic Housing Market Assessment (SHMA). The appellant draws my attention to the age of the SHMA and to the variety of ways in which the housing environment has changed since its publication.

7. The evidence supplied by the appellant casts some doubt on whether the conclusions of the SHMA remain relevant, and the Council has not submitted any robust evidence to the contrary. Consequently, while a need for family-sized housing within the Borough may exist, no firm conclusion can be drawn on the extent of this need. On this basis, I am not persuaded that the condition is necessary to the safeguard the supply of family sized houses in the Borough.

8. Moreover, the application was submitted and registered by the Council as a householder application. There is limited evidence before me to suggest that the existing building is being used for any other purpose other than a single-family dwelling, or that the approved development would be to facilitate the creation of another use. Further, the approved scheme did not include an alteration in the overall number of bedrooms within the property. Accordingly, I am not persuaded that the condition, as imposed, is either sufficiently related to the planning permission granted by the Council or necessary to make the development acceptable.

9. It is not clear in the evidence before me how permitted developments would result in significant detrimental harm to the amenities of the surrounding area or fail to achieve a satisfactory standard of development. Therefore, condition 6 is not reasonable or necessary in this regard.

10. The condition is enforceable, since evidence of the condition being broken would be reasonably available and it is readily understandable, so it is precise in what it prevents. However, I have found that the condition is not necessary, reasonable or related to the planning permission granted by the Council. It therefore fails the tests set out in the Framework and PPG and should not be imposed.

Conclusion

11. For the reasons given above I conclude that the appeal is allowed. I will vary the planning permission by deleting the disputed condition.

P Terceiro

INSPECTOR