



PLANNING SUPPORT STATEMENT

DETAILED APPLICATION FOR 1NO DWELLING
FOLLOWING DEMOLITION OF EXISTING STABLES
AND ASSOCIATED STRUCTURES

LAND OFF ROYD MOOR ROAD,
THURLSTONE,
SHEFFIELD

MR AND MRS L BARDEN

FEBRUARY 2025

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1.0 INTRODUCTION

The proposal which forms the subject of this application for detailed planning permission for 1no dwelling relates to a site located off Royd Moor Road, Thurlstone which is currently used for equestrian purposes. This proposal seeks detailed permission for the construction of 1No dwelling following the demolition of the existing stables and associated structures.

This application is a resubmission following refusals of the previous applications and dismissals on appeal. It is considered that there has been a material change in circumstances since the previous decisions. The new NPPF (December 2024) has changed the test of openness to “**substantial harm**”. In the context of this change it is considered appropriate to reconsideration of this proposal in the context of that test.

It will also be noted that the scheme has been significantly redesigned and the proposed building essentially replicates the feature of the existing building. Notwithstanding this the proposal is still for a materially smaller building than the existing stables on site.

The following supporting documents/information are submitted with the application:-

- (i) Full plans and details – Stephen A Welcer;
- (ii) Planning Support Statement – Townsend Planning Consultants;
- (iii) Bat Report - Middleton Bell Ecological Consultancy;
- (iv) Highways Report – Paragon Highways; and
- (v) Appendices.

It is considered that this statement, together with the accompanying plans and documents, clearly demonstrate to the Council that the proposal as submitted accords with national and local planning policy and, when judged against this and all material considerations, it is clearly the case that notwithstanding the site’s green belt status planning permission should be granted.

It will be noted that in the context of the recently adopted NPPF, as the site forms a brownfield site within the Green Belt, the proposal does not constitute inappropriate development when considered against the “new” test of openness (i.e. it will not result in

“substantial harm to openness”. As such, no “very special circumstances” are necessary to justify the grant of planning permission in the green belt.

This statement now proceeds to give details of the background to the site, its current uses and specifically the comments of the previous Inspector are outlined. The details of the proposal as now amended are then set out. Relevant planning policy and central government advice with specific reference to the recently adopted National Planning Policy Framework is then discussed. The issues that the proposal raises are also examined and finally the conclusion is reached that planning permission should be granted for the proposal to proceed. Nevertheless, the applicants remain willing to discuss all aspects of this proposal with the Council.

2.0 THE SITE, THE PROPOSAL AND BACKGROUND

The subject site has a longstanding use for equestrian purposes with equestrian use of the land for circa 21 years. The Council granted planning permission for stables on the site in 2002 (ref B/02/0123/PU). Subsequently, permission was granted by the Council in 2005 for the extension to the stables (ref B/05/0612/PU) and in 2016 also granted permission for an equestrian exercise arena (ref 2016/0863).

The applicants live away from the site and make a minimum of 5 visits per day to the site for tending the horses, riding and training. There are 4 horses on site and other visits to the site include veterinary visits; food and hay deliveries; and taking horses off site for shows and eventing. The use of the site for its lawful equestrian use generates significant amounts of vehicular movement.

The site is located off Royd Moor Road, to the north west of the village of Thurlstone. The site is accessed via a gated access and contains an 'L' shaped stable building, ménage and areas of hardstanding within the curtilage of the building. The site is located wholly within the Green Belt.

It will be noted that the detailing of the scheme has been amended to reduce any perceived visual impact and the proposals now essentially replicate the form of the existing stable building in terms of finishing material (timber), form and openings - doors and windows. As will be noted the change to the design proposed building is materially smaller than the existing building it will replace at a 33% reduction in volume in comparison with the existing built form of the stables.

The subject proposal seeks to develop 1 No dwelling following demolition of the stables and associated structures as shown on the submitted plans. The design has been amended since the permission proposals were considered. The scheme now replicates the L shaped form of the existing stables and the openings to the building replicate stable openings. This together with cladding of the building in timber ensure that the design is appropriate for this rural area. The proposal has been sensitively designed and is appropriate in scale form and layout for this Green Belt location (and is smaller in volume than the existing building). The dwelling will be located on broadly the same

footprint as the existing stables and the formed curtilage will be less than the defined working areas and curtilage of the existing equestrian use benefiting openness. Care has now been taken to ensure that the residential curtilage is small scale and the boundary treatment is appropriate for a rural area.

The proposals have also been drawn up in association with Paragon Highways who have produced an updated Highways Statement setting out the suitability of the proposals, including its sustainability. As part of the proposals a passing place is proposed to the east of the site access to assist in traffic flow along Royd Moor Road if required. In terms of traffic movements it is considered that should be no additional traffic when compared to the existing use and that the site has suitable access to sustainable transport modes including public transport, cycling and walking on this Council defined Green Way.

Whilst the subject site is outside the settlement, it is situated in a sustainable location and the following issues are considered relevant:

- a. Bus stop – Windsor Avenue (hourly service) - 0.5 miles.
- b. Walking distance to schools/village primary school - 0.4 miles.
- c. Walking distance to public house – 0.6 miles.
- d. Walking distance to bakery – 0.7 miles.
- e. Walking distance to takeaways – 0.7 miles.

Given its rural context, it is considered there are some reasonable options for public transport for future occupiers. The walking distances to services and facilities in the settlement are only around 10 minute walk. There would be opportunities for walking and cycling to access local services and facilities within reasonably accessible distances. Future occupiers may well use private vehicles but the number of trips would not be great and this rural site would be accessible by a range of modes of transport.

Therefore, the site is within walking distance of essential facilities and as such the need for travel is reduced and essential travel needs can be met by use of modes of transport other than the private car.

It is considered that the in the context of the requirements of the Framework (NPPF) to have regard to the need to recognise rural areas will have less opportunities to maximise sustainable transport solutions than urban areas, the degree of environmental harm will be negligible.

It is noted that the previous Inspectors did not dismiss the appeals based on issues of sustainability.

The proposal, therefore, comprises of the reuse of a brownfield site with a built form which will not give rise to “significant harm” to openness, as will the reduction in the existing hardstanding working area around the stables. That existing working area located outside the proposed residential curtilage will be set to grass which will improve the greening of the site.

It is considered that the proposals falls to be judged in the light of the new NPPF and do not give rise to issues of “substantial harm” to openness.

3.0 PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material consideration indicate otherwise. The National Planning Policy Framework also advises of a presumption in favour of development which accords with the Development Plan. The importance of the statutory Development Plan in the decision making process necessitates an examination of the relationship between the policies and proposals of the Plan and to Government Guidance.

3.1 Central Government Policy Advice

3.1.1 National Planning Policy Framework December 2024

The latest version of the NPPF was published on the 12th December 2024. There are significant changes to the approach to development in the Green Belt which includes advice in respect of the development of brownfield sites.

It will be noted at para 154 that the previous advice related to **“new building”**. However, this has now changed to a more encompassing approach and refers to **“development”**. Para 154 states:

“Development in Green Belt is inappropriate unless one of the following exception applies.....:

...(g) Limited infilling or the partial or complete redevelopment of previously developed land... which would not cause substantial harm to openness of the Green Belt”. (TPC underlining).

The previous test on which the applications/appeal were determined was:

“A local authority should regard the construction of new buildings as inappropriate in a Green Belt. Exceptions to this are:

...(g) Limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continuing use (excluding temporary buildings) which would:

- not have a greater impact on the openness than the existing

development". (TPC underlining).

This constitutes a significant change to the test of openness and the proposal now falls to be considered in the context of whether the proposal would arise substantial harm to openness.

This proposal will result in a reduction in built form on the site and a reduction in terms of working areas/curtilage. Under the circumstances it is considered reasonable to conclude that such a proposal does not result in substantial harm and therefore passes the test of openness. It is not therefore inappropriate development.

3.1.2 Planning Practice Guidance - Green Belt

National Planning Policy Guidance 'Green Belt' published on the 22nd July 2019 is clearly an important material consideration.

The advice sets out "***what factors can be taken into account when considering the potential impacts of development on the openness of the Green Belt.***" The advice identifies that this "***requires a judgement based on the circumstances of the case***". It also goes on to set out that the Courts have identified a number of matters which may be taken into account, which include:

- “• ***Openness is capable of having both spatial and visual aspects – in other words the visual impact of the proposal may be relevant as could its volume;***
- ***the duration of the development and its remedially taking into account the provisions to return the land to its original state or to an equivalent or improved state of openness; and***
- ***A degree of activity likely to be generated such as traffic generation.***”

In the context of the above, in this instance:

- (i) In spatial and visual terms, the level of building proposed on site is significantly less in terms of volume than the existing building on site. Any visual impact can be mitigated by timber cladding the building and reducing the existing working

area. As such, the proposal is of benefit to openness when considered in the context of the volume and visual impact.

- (ii) In terms of duration, the impact is neutral.
- (iii) In terms of the generation of activity, the proposal will result in decreased activity than the lawful use. A dwelling would generate less activity than the existing use, which will be of benefit to openness.

It is clear that the revised proposals submitted conform with this up to date advice on considering the issue of openness.

3.2 Local Planning Policy

The Development Plan for Barnsley MBC consists of the Core Strategy (September 2011) and the recently adopted Local Plan.

3.2.1 Barnsley Local Plan

The Development Plan for Barnsley MBC consists of the Barnsley Local adopted in January 2019. It should be noted that on the supporting proposals map the site falls wholly within the Green Belt.

The following policies are considered relevant to the proposals:-

(i) Policy GD1 General Development

The policy sets out a range of requirements for proposals to comply with before planning permission would be granted these include:-

- ***“There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;***
- ***They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;***

- ***They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;***
- ***They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;***
- ***Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;***
- ***Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;***
- ***Any drains, culverts and other surface water bodies that may cross the site are considered;***
- ***Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;***
- ***Any pylons are considered in the layout; and***
- ***Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing”.***

The proposals have been drafted in the context of these requirements and it should be noted that there is no conflict with the requirements of the above (some of which are not relevant to the proposals).

(ii) Policy T3 New Development and Sustainable Travel

This policy is relevant to all development proposals. The application is supported by a Highways Statement to ensure the Council's accessibility standards can be

met. The proposals will also provide required level of vehicle parking for a single one bedroom property.

(iii) Policy T4 New Development and Transport Safety

The policy requires new development to be designed and built to provide all transport uses within and surrounding the development with safe, secure and convenient access and movement. A highways statement supports the proposal and demonstrates this can be achieved.

(iv) Policy D1 High Quality Design and Place Making

The policy requires development to be of high quality design. The policy provides a checklist of requirements (some of which are not relevant to the proposal). It is considered that the proposals do not conflict with the requirements of the policy.

(v) Policy GB1 Protection of Green Belt

The policy sets out the Green Belt is set out on the proposals map.

(vi) Policy GS2 – Green Ways and Public Rights of Way

Policy GS2 states:

“We will protect Green Ways and Public Rights of Way from development that may affect their character or function.

Where development affects an existing Green Way or Public Right of Way it must:

Protect the existing route within the development; or

Include an equally convenient and attractive alternative route.

Where new development is close to a Green Way or Public Right of Way it may be required to:

Provide a link to the existing route; and/or

Improve an existing route; and/or

Contribute to a new route.

In some cases, we will ask developers to make a financial contribution to meet those requirements in accordance with the Infrastructure and Planning Obligations Policy.”

The supporting text at Para 17.20 states:

“When considering new development, we will make sure that it helps create places that connect with each other, providing the right conditions to encourage walking, cycling and the use of public transport.”

Furthermore, at Para 17.21 it states:

“One of the benefits of Green Ways and Public Rights of Way is that they allow connections with and access to leisure and facilities. In some cases, small scale tourism and leisure development may improve the quality of routes. Any such proposals must meet the criteria of E8 (Rural Economy) and may include such things as cafes, campsites, bike hire centres, public art and sculpture walks. We must also ensure that there are no negative visual or environmental effects and that development is consistent with Green Belt policy.”

It will be noted that the subject road, Royd Moor Road, is a designated Green Way and as such by reference to the Council's adopted policy this is suitable for walking, cycling and the use of public transport.

3.2.2 Penistone Neighbourhood Development Plan

The Penistone Neighbourhood Development Plan became part of the statutory development plan for Barnsley Council in August 2019. The application site falls within the Neighbourhood Plan Area, however, the Plan does not add any additional policy designation on the site.

(i) BE1: Design of the built environment

The policy forms the predominant policy for new housing in the neighbourhood plan area. The policy makes number of requirements including:

- Where new housing developments are proposed, homes should be reflective of local architecture and in keeping with the surrounding area including using external building materials that reflect the characteristic of development in the locality; and
- Use of appropriate landscaping.

4.0 THE ISSUES

4.1 The Development Plan

The form of development proposed (i.e. the redevelopment of a brownfield site in the Green Belt) National policy (the NPPF) has recently been amended in respect of the test of openness. Local Planning Policy is silent on this issue.

As set out in the text of this statement, by reference to the NPPF and policy to the redevelopment of brownfield sites in the Green Belt, the development does not constitute inappropriate development subject to a test of “openness”. It is clear that this will not give rise to substantial harm to openness of the Green Belt.

It has been demonstrated that the proposal conforms with national guidelines and, as such, it can be argued that there is no conflict with the Development Plan.

4.2 Other Material Considerations

4.2.1 Central Government Advice – the National Planning Policy Framework

This proposal, which seeks the redevelopment of a brownfield site, conforms with the advice contained in the NPPF which relates to brownfield sites in the Green Belt.

At the time of determination of the previous applications and appeals the test of openness for new buildings was that it **“would not have a greater impact on openness than the existing development”**. However, since then government has updated the NPPF (December 2024) and it is in the context of this updated policy and advice that this application will be determined. The test in respect of **“development”** of brownfield sites is now that it **“would not cause substantial harm to the openness of the Green Belt”**. This proposal clearly does not give rise to “substantial harm”. As such the proposal which involves a reduced size building does not constitute inappropriate development.

4.2.2 Brownfield Development

The subject site constitutes a longstanding equestrian site.

The NPPF defines previously developed land as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structures or fixed surface infrastructure have blended into the landscape.”

The whole of the application site therefore falls within the definition of previously developed land, as it has been and continues to be used as stables, storage and curtilage land for equestrian use.

4.2.3 Planning History

It is fully acknowledged that the previous proposals for the site were refused and subsequently dismissed on appeal. Indeed, the Inspector’s decision was the starting point for the redrafting of these proposals.

The Inspector considered the proposal in the context of the adopted NPPF at that time and concluded at para 15:-

“... the proposed domestic use would have a greater impact upon the openness of the Green Belt than the existing stables and associated structures at the site”.
(TPC underlining).

As set out the test for openness is now “substantial harm”. The test applied by the Council and previous Inspectors has been significantly amended, with it is considered a fundamental change to how such development is considered.

By the way of an example of how such decisions should now be considered the Council’s attention is drawn to a planning appeal decision “Sevenoaks” (appended). That

appeal was determined after publication of the draft NPPF September 2024 which first introduced the proposed reworded “substantial harm” test. It is interesting to note that the issue of “substantial harm” appears to have been adopted by the Inspector. The proposal was for significant increase of development in the Green Belt which increased the development at the site from 2980 m³ and 924 m² of existing built form to 6466 m³ and 1513 m² of proposed development. In volume terms the proposal doubled the development.

Notwithstanding the proposals was for fundamentally larger scale development than the existing. The Inspector concluded at para 20 **“neither appeal scheme would cause substantial harm to openness”**. (TPC underlining).

It is considered that the decision is illustrative of the direction of travel.

4.2.4 Sustainability

As demonstrated in this submission, the site has access by foot to local services in the village including some schooling, shopping and recreational facilities. The site is within 10 minutes of a public bus stop. As stated in the NPPF Para 105:

“However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan making and decision making.”

The site is also on a Council defined Green Way where cycling and walking are encouraged.

4.2.5 Design

Whilst it is contended that the proposal clearly passes the new test in respect of openness nevertheless the opportunity has been taken to revisit the design of the proposal to ensure the scheme is sustainable for the rural setting. The scheme proposals now more closely relates to the existing building in terms of form and layout including fenestration/door detailing and materials.

Notwithstanding the change in the openness. Nevertheless the building remains smaller than the existing building.

4.2.6 Biodiversity Net Gain – De Minimis Exemption

The application proposals seek the redevelopment of the stables with a reduction in areas of existing hardstanding areas. The proposals would therefore fall within *“the de minimis exemption”*.

The Planning Practice Guidance note on Biodiversity net gain sets out at Paragraph 4 (Ref ID: 74-004-2024-214) the de minimis exemption applies if:-

- *“the development must not impact on any onsite priority habitat; and*
- *if there is an impact on other onsite habitat, that impact must be on less than 25 square metres (e.g. less than a 5m by 5m square) of onsite habitat with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat (such as a hedgerow)”*.

Therefore, Biodiversity Net Gain does not apply in this instance.

The applicants are also looking to self build the dwelling and could also come under this exemption.

5.0 CONCLUSION

It is fully acknowledged that the site has a lengthy planning history with 2 previous application refused and subsequent appeals dismissed. However it is contended that there has been a material change in circumstances since the previous decisions, namely the test of openness in the Green Belt in respect of brownfield sites set out in the recently updated NPPF (December 2024).

The previous tests required the test of openness to be taken in the context of the existing development on the site. The previous Inspector's decision made that process clear in concluding *"the proposed domestic use would have a greater impact upon the openness of the Green Belt than the existing stables and associated structures at the site"*.

The proposal in front of the Council is for the construction of a building smaller than the existing building which clearly would not give rise to substantial harm.

The appeal decision provided with the applicant clearly indicates the direction of travel in the context of the revised NPPF and apply the test of substantial harm to the issue of openness. If large scale development which doubles the size of development passes the test of significance this proposal which does not increase the size of the development clearly does.

APPENDICES

Appendix 1 – Sevenoaks Appeal Decision



Appeal Decisions

Hearing held on 21 August 2024

Site visit made on 21 August 2024

by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

Appeal A Ref: APP/G2245/W/24/3342128

Oasthouse Nursery, Ash Road, Ash, Sevenoaks, Kent, TN15 7HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Canham Homes (Kent) Limited against the decision of Sevenoaks District Council.
 - The application Ref is 22/03313/FUL.
 - The development proposed is clearance of existing nursery facilities and erection of 18 homes with associated parking and landscaping incorporating Oast House.
-

Appeal B Ref: APP/G2245/W/23/3331236

Oast House Nursery, Ash Road, Ash, Sevenoaks, Kent, TN15 7HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Canham Homes (Kent) Limited against the decision of Sevenoaks District Council.
 - The application Ref is 23/03139/FUL.
 - The development proposed is clearance of existing nursery facilities and erection of 16 homes with associated parking and landscaping (retention of existing Oast House). New site access and pedestrian crossing.
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Decisions

1. Appeal A is allowed and planning permission is granted for clearance of existing nursery facilities and erection of 18 homes with associated parking and landscaping incorporating Oast House at Oast House Nursery, Ash Road, Ash, TN15 7HJ in accordance with the terms of the application, Ref 22/03313/FUL, subject to the conditions in the attached schedule.
2. Appeal B appeal is allowed and planning permission is granted for clearance of existing nursery facilities and erection of 16 homes with associated parking and landscaping (retention of existing Oast House). New site access and pedestrian crossing, at Oasthouse Nursery, Ash Road, Ash, TN15 7HJ in accordance with the terms of the application, Ref 23/03139/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

3. A signed planning obligation under s106 of the Town and Country Planning Act 1990 (as amended) (S106) (dated 22.04.2024) was submitted with Appeal A. A related deed of variation was also completed and submitted on the day of the hearing. A draft S106 relating to Appeal B was discussed during the hearing and was confirmed as being sufficient to avoid the need for the Council to defend reasons for refusal (RfR) 2 and 3. The completed S106 relating to Appeal B, dated 4 September 2024, was received on the same date. I return to these below.
4. A consultation on a revised version of the National Planning Policy Framework (the Framework) commenced on the 30 July 2024. The parties were invited to comment on any proposed changes to the Framework of relevance to the appeals during the hearing. Other than where specified, I have referred to the extant version of the Framework from December 2023 in reaching my decision.
5. I have taken the descriptions of development from the respective decision notices.

Main Issues

6. The main issues in these appeals are:
 - whether the proposals would be inappropriate development in the Green Belt having regard to the development plan and the Framework;
 - the effect of the proposals on the openness of the Green Belt; and,
 - if relevant, whether any 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 required to justify the proposal.

Reasons

Whether inappropriate – Appeal A

7. The appeal site is wholly within the Metropolitan Green Belt. The policy of the development plan referred to in the RfRs of both appeals is Policy LO8 of the Sevenoaks Core Strategy (Core Strategy) (adopted 2011). In relation to Green Belt, this Policy simply states that ..."*[t]he extent of the Green Belt will be maintained*". As this Policy omits any reference to inappropriate development types and very special circumstances, it is inconsistent with the Framework. Accordingly, I have given significant weight to the Green Belt policies of the Framework.
8. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with any such harm attracting substantial weight. The exceptions to inappropriate development include two categories of potential relevance to the appeals in paragraph 154. The first of these is, e), limited infilling in villages and g), limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area.

9. In terms of whether either proposal would constitute limited infilling within a village, the location of the site is relevant. The site is located within Ash, which is a settlement, albeit a rather loosely defined, relatively low density settlement which has a semi-rural/ribbon development character. The nearby settlement of New Ash Green is a fourth tier *Local Service Centre* settlement listed within Policy LO1 of the Core Strategy. It has a clearer settlement edge on the ground which is defined on the related policies map of the Core Strategy. The site falls outside of New Ash Green both on the ground and in policy terms.
10. During the hearing, it was claimed that the site was within 250 metres of the edge of the settlement of New Ash Green and was therefore being screened out from potential site allocations from the emerging Local Plan¹ (eLP) on this basis. This has some relevance insofar as it also places the site outside of the settlement. In my view, there is a distinction between Ash and New Ash Green in terms of function, density and character, and thus, either proposal at the scale of 16 or 18 dwellings would not constitute limited infilling relative to the host settlement of Ash. Neither proposal would therefore qualify under exception e) of Framework paragraph 154. None of the guidance in the Council's *Development in the Green Belt Supplementary Planning Document* (adopted 2015) (SPD) leads me to a different conclusion.
11. The main parties agree that as a former horticultural nursery and on a single planning unit which also has residential use, the site should be regarded as previously developed. My view is also that the site is previously developed land.
12. Both proposals have been subject of viability testing to justify the less than 40% provision of affordable housing on site that is typically required by Policy SP3 of the Core Strategy. There is agreement between the parties on the outcome of the viability assessment process and that both proposals would make a financial contribution towards meeting an identified affordable housing need within the area. In the case of Appeal A, the contribution would be an amount of c. £71,000 to be used off site towards the provision of meeting the identified affordable housing need which is referred to as 'acute' in the officer's report to the Planning Committee. In the case of Appeal B, the financial contribution would similarly be to be used off site but would be the greater amount of c. £124,065. My view is that there is no specific requirement for any such contribution to comprise on-site delivery and thus, both appeal schemes would make a contribution towards meeting the clear affordable housing need which is identified by the Council's own evidence.
13. Therefore, both appeal schemes at least partially meet the exception under Framework paragraph 154 g) through the reuse of previously developed land and contributions towards affordable housing. The remaining area to examine is whether either or both schemes would cause substantial harm to the openness of the Green Belt.

Openness

14. The proposal under Appeal A would involve the demolition of all structures and buildings from the site such as a part-converted barn, a number of glasshouses and polytunnels. The Oast House dwelling would remain. A total of 18 dwellings would be built across the site in place of the demolished structures, with

¹ On which the Regulation 18 part 2 stage consultation ran between November 2023 and January 2024

associated access road and landscaping. The proposal under Appeal B would involve the same clearance of the site and retention of the Oast House but would involve the construction of 16 dwellings with slightly lowered roof heights and with modest layout changes. There is a separate section of land within the ownership/control of the appellant within the blue lined land. This is currently free of buildings and would remain so under both proposals. The agreed Statement of Common Ground (SoCG) details the difference between the existing volume of structures at 2,980 cubic metres (924 sqm floorspace), compared with the proposed 6,466 cubic metres for Appeal A (1,513 sqm floorspace) and with the 5,243 cubic metres proposed for Appeal B (1,369 sqm).

15. There is no doubt that the proposals under both Appeals A and B would give rise to some degree of change through the increase in mass, permanence and solidity of built structures on site. The introduction of such would obviously run counter to the concept of openness being the freedom from built development. Therefore, there would be an acknowledged degree of harm to openness.
16. In a spatial sense, the proposals would intensify the number of buildings within the red line site area to an extent that would obviously differ from the current arrangement and appear more urban than the surrounding predominantly residential developments.
17. Considered visually, the largely vegetated and enclosed frontage would be opened up to reveal more of an urban form of development. The public views of these buildings would be largely restricted to a short section of Ash Road, with some private views capable of being obtained from neighbouring dwellings and land. It would be more apparent from the access point on Ash Road that the built form would be of greater scale, solidity and permanence when compared with some of the existing structures. Taking all these factors together, there would be a modestly erosive effect on the openness of the Green Belt, with Appeal A being a minor degree more harmful than Appeal B given the increased total volume and heights of buildings.
18. I have taken account of the Sevenoaks Green Belt Assessment (2017) and the conclusions of the separate Stage 2 Assessment (2023) and the ways in which the respective parcel including the site was considered to contribute towards the five purposes of the Green Belt, with avoiding the merging of settlements and safeguarding the countryside from encroachment being of particular relevance to the appeal schemes. Whilst these documents are relevant evidence material, particularly for the eLP process, and give context to the views of the main parties, I have reached my own views on the contribution of this particular appeal site to said Green Belt purposes. My view is that the site itself contributes minimally to preventing the merging of settlements given its existing character and location. Similarly, the rural, countryside character of the site is not a strong characteristic and thus, whilst there would be some encroachment, this too would be modest at most.
19. Therefore, taking account of both the spatial and visual dimensions of openness² and considered overall, there would be some harm to the openness of the Green Belt. For Appeal A, I consider that the degree of harm would be

² Turner v SSCLG [2016] EWCA Civ 466 and R(oao Samuel Smith Old Brewery) v North Yorkshire CC [2020] UKSC 3

modest. For Appeal B, my view is that the degree of harm would also fall into the modest category, albeit to a slightly lesser degree than for Appeal A. However, in my view, neither scheme would cause a substantial degree of harm to the openness of the Green Belt. These views have been reached in acknowledgement of a recent refusal of permission by the Council for 74 dwellings³ on a nearby site which I distinguish from the appeal schemes given the difference in scale of that proposal and the differences between the respective sites.

20. Therefore, my conclusions are that neither appeal scheme would cause substantial harm to openness and, given my findings above, neither proposal would constitute inappropriate development within the Green Belt under the terms of paragraph 154 g) of the Framework.

Other Matters

21. The Council did not allege any other harms or conflict with the development plan save for a late-stage introduction of whether the proposal would conflict with the development plan in locational terms. Through discussion at the hearing and the analysis of Policy LO1 of the Core Strategy, it became clearer that in policy terms, there would be a conflict given that the appeal site falls outside of the built limits of New Ash Green. However, given that the site is within 250 metres of the same and within reasonable proximity of a range of everyday facilities, this does not amount to an objection about the unsustainable location.
22. Whilst the Council did not raise any issues of material harm to the living conditions of neighbouring occupiers from either proposal, an adjoining resident has raised issues with the position and orientation of the proposed dwellings relative to his house and garden and the privacy that he and his family currently enjoy. His property was visited as part of the hearing site visit.
23. It is clear to me that the nature of the relationship between the appeal site and the adjoining neighbour would be changed to one with a more urban quality. In the case of Appeal A, the rear of houses would be more distant but orientated to have bedroom windows at first floor looking towards the neighbouring garden. In the case of Appeal A, due to the reorientation of the middle blocks, the flank walls of Plot Nos 4, 7 and 8 would face towards the garden but at much closer quarters, potentially also allowing oblique views from front and rear bedroom windows over the neighbouring garden. However, given the proximity, scale of dwellings and setting of the neighbour's dwelling, I do not consider that the proposal would be overbearing. In terms of privacy from first floor windows overlooking either directly or more obliquely, I consider that the retention of the intervening substantial hedgerow of mixed evergreen and deciduous species extending from the rear of the house to the rearmost boundary would maintain similar levels of privacy to that currently enjoyed throughout the year. This intervening hedgerow was clarified as being within the ownership of the neighbour, though it is shown as being retained on the plans in any event.
24. The neighbour's concern about the potential disturbance of future occupiers from the wash down of commercial vehicles in late evening is noted. However, I have no evidence that a lawful mixed commercial/residential use exists and

³ Ref 22/01609/OUT dated 17.01.23

thus, any activities undertaken should be capable of taking place without harm to any future occupiers of the appeal site. Furthermore, a limit on internal noise limits could be imposed by way of planning condition to further safeguard living conditions.

25. The additional concern of the neighbours about the potential for devaluation of his property by either of the appeal schemes is not a material planning consideration, and thus, has not been considered further.
26. A number of other concerns were raised by objectors to the scheme that go beyond the range of topics considered above, including issues with highway safety and traffic generation, impact on infrastructure and additional noise/disturbance. I note the absence of objections from the highway consultee and find no reason to reach alternative conclusions in respect of safety considerations, subject to conditions. In my view, the trip generation from schemes of either 16 or 18 dwellings would not be harmful relative to the capacity of the adjoining highway network from what I saw on my site visit. There have not been any issues raised by infrastructure providers to accommodate the development beyond the Local Education Authority which has requested financial contributions to provide additional school places. Given the modest scale of the development, I do not envisage any material demand increases that could not be accommodated by local facilities and services.
27. The future residents would generate some additional noise and disturbance from comings and goings and associated domestic activities. However, I do not consider that the nature or scale of such noise would cause material harm to any existing neighbouring occupiers or the character of the area.
28. The Council acknowledged the loss of employment as part of the overall planning balance. I have limited details about the amount of employment sustained by the site when it was operational or its value to the local area. However, I am of the view that given the scale of the site and the nature of the enterprise, the permanent, albeit modest loss of economic activity from the site would be outweighed by the economic boost that would be generated by the construction of dwellings through either Appeal A or Appeal B and the longer-term reliance on local services by future residents of the site.
29. The Council indicated that the consultation version of the Framework was relevant insofar as the site would likely be considered to fall into the category of 'grey belt' land and that the overall housing need for the district would materially increase under the methodology proposed therein. The appellant did not dispute these points. However, as the consultation version of the Framework is only capable of attracting limited weight, I have reached my decision on the current version of the Framework.

Protected Species

30. Through a Bat Emergence/Re-Entry Survey Report⁴, it was identified that existing building 'B10' was used by common pipistrelle and brown long-eared bats as a summer day roost site. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), my role as the competent authority requires me to consider the derogation tests given the need for a mitigation licence to be granted by the relevant body.

⁴ Ref 4944E/22/03 dated 19 October 2023

31. The first test requires that a valid basis is demonstrated for the purpose of the licence. To this end, it is clear that there are imperative reasons of overriding public interest to warrant granting planning permission.
32. The second test requires a demonstration that there are no reasonable options with lower impacts. The building containing the roost is integral to the site and serves no useful purpose. To secure a comprehensive redevelopment scheme of the site will involve demolition of the building which means that there are no reasonable options with lower impacts than the proposals.
33. The third test is to show that granting the licence will not cause long-term impacts on the species concerned. In this regard, the alternative roost and additional enhancement measures will ensure the avoidance of long-term impacts on all bat species. These measures can be secured by way of planning conditions and the planning obligations.
34. Therefore, as the competent authority for the purposes of the Habitats Regulations, I have considered the tests and have no reason to doubt that a mitigation license would not be issued.

Planning obligations

35. The S106s (including the DoV) provide for a range of infrastructure that is necessary to offset the impact of additional residents on the area, or to comply with other policies of the development plan. The agreed apportionment of the surplus value achieved by either development agreed between the main parties and Kent County Council as the Local Education Authority, also summarised in the SoCG, is as follows:
- Appeal A: Secondary education £100,569.42; Secondary land £90,681.48; Special education needs and disabilities (SEND) £10,076.94, and off-site affordable housing contribution £71,000.16.
 - Appeal B: Secondary education £89,395.04; Secondary land £80,605.76; SEND £8,957.28, and off-site affordable housing contribution £124,064.92.
36. I have had regard to the Statement relating to Regulation 122 of the Community Infrastructure Levy Regulations (2010, as amended), submitted by the Council, which justifies the various contributions and the monitoring fee for the planning obligations. I have also had regard to the evidence on viability as to how the various contributions have been calculated and note the build cost impact on the contribution totals for Appeal A relative to Appeal B. I have also considered the S106s and the terms on which the parties agree to make and spend the contributions. I am satisfied that all of the obligations are necessary to make the respective proposals acceptable in planning terms and that they pass the tests for planning obligations set out in the Framework in all other respects. I have therefore taken them into account in reaching my decisions.

Planning balance

37. Though the proposals would result in development within the Green Belt, it would not change the physical or policy extent of the Green Belt. As such, neither proposal could be said to be in direct conflict with Policy LO8 of the Core Strategy. I have also found that the proposals would not be inappropriate development within the Green Belt under the terms of the Framework and

therefore, it is not necessary to consider whether very special circumstances exist to justify either development.

38. I have considered the conflict of the schemes with the locational criteria of the development plan, though this would not give rise to an unsustainable reliance on private vehicles by future residents.
39. The schemes would make a modest but valuable contribution towards the housing stock in an area where there is an acknowledged undersupply of housing land, with a 3.46 year supply capable of being demonstrated against the five year requirement set out by the Framework. This undersupply and the failure of the Council to pass the Housing Delivery Test⁵ in the previous three years trigger the tilted balance under paragraph 11 d) of the Framework. By virtue of the two additional dwellings, Appeal A would be a marginally greater contributor to the housing supply than Appeal B.
40. The schemes would both contribute towards the provision of affordable housing in an area of at least substantial identified need. Appeal B would be modestly more beneficial in this regard than Appeal A from the greater financial contribution that would be generated.
41. Both schemes also attract a limited additional degree of weight by virtue of their modest scale, the detailed nature of both proposals and their respective housing mixes. Both would be well aligned to meet the identified housing needs in the area and could be expected to be delivered in a timely manner, with associated construction and longer-term economic benefits.
42. There would also be environmental benefits from both schemes from the Biodiversity Net Gain (BNG) enhancements offered by the appellant for which the mandatory requirements are not strictly capable of taking effect. The BNG enhancements would largely be delivered through an area of new habitat within the blue line area and associated ongoing monitoring.
43. Taken collectively, the public benefits from Appeal A would be substantial, so too would the public benefits from the alternative Appeal B scheme.
44. Considered overall, I find that neither schemes conflict with the development plan taken as a whole and that any such conflict would be outweighed by other considerations, such as the Framework policies and public benefits, such that they would indicate that permissions should be granted other than in accordance therewith in any event.

Conditions

45. I have considered the need for planning conditions in light of the tests outlined in the Framework and Planning Practice Guidance. The lists of suggested planning conditions were agreed between the main parties prior to the hearing, and where necessary, approval has also been sought for any unavoidable pre-commencement conditions. As the list of conditions are largely duplicated, albeit in different order, I have considered the conditions together.
46. Conditions are necessary for both schemes to specify the statutory time limits for implementation and to specify the relevant approved plans in the interests of certainty. Where relevant, submitted documents are set out in specific

⁵ Housing Delivery Test, see paragraph 79 of the Framework and related definition

conditions, avoiding the need for them to be listed in condition 2. Similarly, conditions are required in connection with site levels and ridge heights.

47. In the interests of the character and appearance of the area, conditions are required to secure details of materials, landscaping and external lighting. Whilst the Council recommended a condition requiring details of crime prevention measures, with the detailed nature of the scheme, including landscaping, such limited changes could come from such an exercise so as to render the conditions unnecessary.
48. In the interests of highway safety, it is necessary to impose conditions relating to the provision of the access with the highway (including visibility splays), the provision of the uncontrolled pedestrian crossing and provision of parking.
49. To protect the living conditions of neighbouring occupiers, conditions are necessary in relation to construction phase working hours. Additionally, conditions are required to remove permitted development rights for potential alterations such as the insertion of additional windows that could result in a loss of privacy.
50. To ensure the protection of the trees and biodiversity value of the area, tree protection conditions are necessary, as are conditions relating to Landscape and Ecology Management Plans and biodiversity enhancement measures.
51. In the interests of environmental protection, conditions are required to ensure the provision and implementation of a surface water drainage scheme (including the provision of a verification report to confirm its implementation). Similarly, conditions are needed to secure any contamination remediation works should the need arise and for a Construction Environmental Management Plan to be implemented during the construction phase.
52. To secure the adequate living conditions of future occupiers, conditions are necessary to limit the maximum internal noise levels. To assist with the sustainability objectives of the schemes, conditions are necessary in relation to charging points for electric vehicles and separate cycle storage areas.
53. Given the protected species implications of the proposals, conditions are necessary to ensure that the development is undertaken in accordance with the recommendations of the related report to ensure the favourable conservation status of the species.
54. A response from the Council's archaeological specialist indicates that the site lies in an area near where prehistoric and later remains have been found but where limited investigation has occurred. As such, conditions are required to secure archaeological investigations during the course of development.

Overall conclusions

55. For the foregoing reasons, Appeal A should be allowed.
56. For the similar foregoing reasons, Appeal B should be allowed.

H Nicholls
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr David Bedford	Director, DHA Planning
Miss Daisy Noble	On behalf of the appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Ashley Bidwell	Senior Planning Officer
Miss Emma Coffin	Senior Planning Officer

INTERESTED PARTIES:

Mr Frank Cottee	Councillor, Ash-Cum-Ridley Parish Council
Mr Mark Lindop	Councillor for Ash and New Ash Green Ward
Mr Neil Edwards	Local resident
Mr Ryan Edwards	Local resident

DOCUMENTS SUBMITTED DURING THE HEARING:

Document 1 – Photograph of existing view of site frontage from Ash Road
Document 2 – Photomontage of proposed Appeal B scheme from Ash Road
Document 3 – Marked up photograph from Mr Edwards
Document 4 – Marked up photograph from Mr Edwards
Document 5 – Completed Deed of Variation dated 21 August 2024
Document 6 – Emerging Local Plan 2040

DOCUMENTS SUBMITTED AFTER THE HEARING:

Document 7 – Email concerning agreed permitted development rights removal
Document 8 – Completed S106 Agreement dated 4 September 2024 (Appeal B)

SCHEDULE OF CONDITIONS – APPEAL A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details:

1000 Rev.I, 1200 Rev.C, 1201 Rev.A, 1202 Rev.B, 1203 Rev. B, 1204 Rev.B, 1205 Rev.B, 1300 Rev.F, 1301 Rev.E, 1302 Rev.D, 1303 Rev.E, 1304 Rev.E, 1305 Rev.E, 1306 Rev.F, H01 Rev.P2, H02 Rev.P1, PJC.1173.001 Rev. D (Sheets 1 and 2), PJC.1173.002 Rev. D (Sheets 1 and 2).
- 3) Prior to above ground works (excluding clearance and demolition operations), further details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.
- 4) Prior to commencement of works, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and approved in writing by the local planning authority. The content of the LEMP will be based on the Biodiversity Net Gain Design Stage Report and will include the following: Description and evaluation of features to be managed; Ecological trends and constraints on site that might influence management; Aims and objectives of management; Appropriate management prescriptions for achieving aims and objectives; Preparation of a work schedule (including an annual work plan); Details of the body or organisation responsible for implementation of the plan, and; Ongoing monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.
- 5) No development (excluding clearance and demolition operations) shall take place within the site until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Drainage Strategy Report dated 26th November 2022 prepared by RCD Consultants Ltd and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
 - that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
 - appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered,

including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

- 6) The dwellings hereby permitted shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the local planning authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.
- 7) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.
- 8) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.
- 9) Prior to the commencement of the development, including demolition, details of a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details: the routing of construction and delivery vehicles to and from the site; parking and turning areas for construction and delivery vehicles, plant, machinery and site personnel; timing of deliveries; provision of wheel washing facilities; Temporary traffic management / signage; details of proposed working and delivery hours; details of how noise, vibration and dust shall be controlled during the construction period; and a scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted. The development shall be carried out only in accordance with the approved details.
- 10) No development (excluding clearance and demolition operations) shall take place until details of off-site highway improvements to the access from Ash Road and proposed uncontrolled pedestrian crossings as shown on drawing ref. H01 Rev. P2 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details unless otherwise agreed (subject to such revisions as may be agreed with the local highway authority as part of the detailed design process pursuant to the requisite highways agreement).

The off-site highway works shall be completed in full prior to the first occupation of the new dwellings hereby approved.

- 11) No development shall take place until details of a scheme to demonstrate that the internal noise levels within the residential unit would conform to Table 4: Indoor Ambient Noise Levels for Dwellings identified in BS 8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority. L_{Amax,F} during the period 2300hrs to 0700hrs should not exceed 45dBA. Work specified in the approved scheme shall then be carried out in accordance with the approved details prior to the first occupation of the dwellings hereby approved and maintained thereafter. If mechanical acoustic ventilation needs to be provided, self-noise must not cause the internal noise levels to exceed the BS8233:2014 criteria.
- 12) No new dwelling shall be occupied until the vehicular visibility splays as shown on drawing ref. H02 Rev.P1 has been provided. No fence, wall or other obstruction to visibility above 1.05m in height above ground level shall be erected within the area of such splays.
- 13) If during the works unexpected contamination is encountered which has not previously been identified after the development has begun, then the development must be halted on that part of the site affected by the unexpected contamination and shall be fully assessed and an appropriate remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority.
- 14) The hard and soft landscaping and boundary treatments as shown on the approved plans, shall be implemented in full and all planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.
- 15) Details of any external lighting of the site shall be submitted to, and approved in writing by the local planning authority prior to the commencement of works above damp proof course level for the dwellings hereby approved. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire/lux profiles). The approved scheme shall be carried out in accordance with the approved details and maintained thereafter and no further lighting shall be introduced into the site without the prior approval of the local planning authority.
- 16) Prior to the first occupation of the development hereby approved the vehicle parking spaces as shown on the approved plans shall be constructed, surfaced and retained for vehicle parking, turning and deliveries.

- 17) Prior to development reaching the damp proof course, details of the location and type of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of all charging points and appearance of all charging points.
- 18) Prior to completion of the damp proof course of the development hereby permitted, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscape plan and provision of bird nest space. The approved details will be implemented and thereafter retained.
- 19) The refuse and cycle storage facilities as shown on approved plan number 1000 Rev.I shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for such use at all times.
- 20) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown in the Pre-Tree survey report by Invicta Arboriculture dated Nov 2022 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.
- 21) During the demolition and construction phases, no works of demolition or construction shall take place other than within the hours Monday to Friday 0800 to 18.00 hours, Saturday 08.00 to 13.00 hours and not at all during Sundays or Bank Holidays.
- 22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting those orders) no additional external doors, windows or roof enlargements/alterations shall be carried out or made to the dwellings without the grant of planning permission by the local planning authority.
- 23) From the commencement of works (including site clearance), all mitigation measures for bats will be carried out in accordance with the details described in the Bat Emergence/Re-Entry Survey Report (PJC October 2023), unless otherwise varied by a Natural England licence.
- 24) Prior to the commencement of development the applicant, or their agents or successors in title, will secure: i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the local planning authority; and ii. further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the local planning authority; iii. programme of post excavation assessment and publication.

SCHEDULE OF CONDITIONS - APPEAL B

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details:
PJC.1173.001 Rev F, PJC.1173.002 Rev F, 1007 Rev H, 1020 Rev B, 1021 Rev B, 1200 Rev D, 1201 Rev E, 1202 Rev E, 1203 Rev E, 1204 Rev E, 1205 Rev E, 1300 Rev I, 1301 Rev N, 1302 Rev M, 1303 Rev O, 1304 Rev O, 1305 Rev M, 1306 Rev Q, 1307, 1400 Rev K, 1401 Rev M, 1402 Rev M, TCP001 Rev A, TPP001 Rev C, H-01 Rev P4 , H-02 Rev P3, SK01 Rev F, SK02 Rev F, SK03 Rev F, SK04.
- 3) Prior to the commencement of development above the damp proof course, details including samples of the external materials and finishes of the new houses shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out only in accordance with the approved details.
- 4) The hard and soft landscaping and boundary treatments as shown on the approved plans, shall be implemented in full and all planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number.
- 5) Prior to occupation, details of external lighting shall be submitted to, and approved in writing by, the local planning authority. The submitted details shall include a plan showing the type and locations of external lighting, demonstrating that areas to be lit will not adversely impact biodiversity or residential amenities and will not result in excessive light spillage. All external lighting shall be installed in accordance with the approved details and shall be maintained as such thereafter.
- 6) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.
- 7) Prior to the commencement of the development, including demolition, details of a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details: the routing of construction and delivery vehicles to and from the site; parking and turning areas for construction and delivery vehicles, plant, machinery and site personnel; timing of deliveries; provision of wheel washing facilities; Temporary traffic management / signage; details of proposed working and delivery hours; details of how noise, vibration and dust shall be controlled during the construction period; and a scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning

- permitted. The development shall be carried out only in accordance with the approved details.
- 8) During the demolition and construction phases, no works of demolition or construction shall take place other than within the hours Monday to Friday 0800 to 18.00 hours, Saturday 08.00 to 13.00 hours and not at all Sundays or Bank Holidays.
 - 9) If during the works unexpected contamination is encountered which has not previously been identified after the development has begun, then the development must be halted on that part of the site affected by the unexpected contamination and shall be fully assessed and an appropriate remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority.
 - 10) No development shall take place until details of a scheme to demonstrate that the internal noise levels within the residential units would conform to Table 4: Indoor Ambient Noise Levels for Dwellings identified in BS 8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings, have been submitted to and approved in writing by the Local Planning Authority. LAmax,F during the period 2300hrs to 0700hrs should not exceed 45dBA. Work specified in the approved scheme shall then be carried out in accordance with the approved details prior to the first occupation of the dwellings hereby approved and maintained thereafter. If mechanical acoustic ventilation needs to be provided, self-noise must not cause the internal noise levels to exceed the BS8233:2014 criteria.
 - 11) No new dwelling shall be occupied until the vehicular visibility splays as shown on drawing ref. H-01 Rev P4 has been provided in full. No fence, wall or other obstruction to visibility above 1.05m in height above ground level shall be erected within the area of such splays at any time.
 - 12) No development (excluding clearance and demolition operations) shall take place until details of off-site highway improvements to the access from Ash Road and proposed uncontrolled pedestrian crossings as shown on drawing ref. H-01 Rev and H-02 Rev have been submitted to and approved by in writing by the local planning authority. The development shall be carried out in accordance with the details unless otherwise agreed (subject to such revisions as may be agreed with the local highway authority as part of the detailed design process pursuant to the requisite highways agreement). The off-site highway works shall be completed in full prior to the first occupation of the new dwellings hereby approved.
 - 13) Prior to the first occupation of the development hereby approved, the vehicle parking spaces as shown on the approved plans shall be provided in full and shall be so maintained and available for use as such at all times.
 - 14) Prior to the first occupation of any part of the development, further details of secure, covered bicycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for user prior to the

- occupation of the development hereby permitted and shall thereafter be retained for such use at all times.
- 15) Prior to first occupation of the dwellings, further details of refuse storage shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be maintained thereafter.
 - 16) Prior to the development reaching the damp proof course, details of the location of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The charging point(s) shall be installed prior to first occupation of the development in accordance with the submitted details and shall be maintained as such thereafter.
 - 17) No demolition, site clearance or building operations shall commence on site until the protection measures detailed within the Tree Survey and Report by Invicta Arboriculture dated Sept 2023 and drawing no. TPP001 Rev C have been installed. At all times until the completion of the development, such protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.
 - 18) From the commencement of works (including site clearance), all mitigation measures for bats will be carried out in accordance with the details described in sections Bat Emergence/Re-Entry Survey Report (PJC October 2023), unless otherwise varied by a Natural England licence.
 - 19) Prior to commencement of works, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and approved by, the local planning authority. The content of the LEMP will be based on the Biodiversity Net Gain Design Stage Report (PJC October 2023) and will include the following: Description and evaluation of features to be managed; Ecological trends and constraints on site that might influence management; Aims and objectives of management; Appropriate management prescriptions for achieving aims and objectives; Preparation of a work schedule (including an annual work plan); Details of the body or organisation responsible for implementation of the plan, and; Ongoing monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.
 - 20) Prior to the commencement of development above the damp proof course, details of how the development shall enhance biodiversity shall be submitted to, and approved in writing by, the local planning authority. This will include native species and wildlife-friendly landscape plan and provision of habitat features such as bird boxes and bat roosting space over and above that required for compensation for the loss of habitat. The approved details shall be implemented and thereafter retained.
 - 21) No development (excluding clearance and demolition operations) shall take place within the site until a detailed sustainable surface water

drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Drainage Strategy Report prepared by RCD Consultants Ltd. dated 12th January 2024 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance): - that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters. - appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

- 22) The dwellings hereby permitted shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the local planning authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.
- 23) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the local planning authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.
- 24) Prior to the commencement of development the applicant, or their agents or successors in title, will secure: i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and ii. further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the local planning authority; iii. programme of post excavation assessment and publication.
- 25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting those orders) no additional external doors, windows or roof enlargements/alterations shall be carried out or made to the dwellings without the grant of planning permission by the local planning authority.

----- END OF SCHEDULES -----