
Appeal Decision

Hearing Held on 26 June 2018

Site visit made on 25 and 26 June 2018

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 26th October 2018

Appeal Ref: APP/H1840/W/17/3188250

Allesborough Farm, Allesborough Hill, Pershore WR10 2AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by William Morrison (Pershore) Ltd against the decision of Wychavon District Council.
 - The application Ref 17/00432/FUL, dated 17 February 2017, was refused by notice dated 23 October 2017.
 - The development proposed is demolition of existing modern farm buildings, removal of hardstanding and erection of 27 no dwellings with associated landscaping enhancements.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing modern farm buildings, removal of hardstanding and erection of 27 no dwellings with associated landscaping enhancements at Allesborough Farm, Allesborough Hill, Pershore WR10 2AB in accordance with the terms of the application, Ref 17/00432/FUL, dated 17 February 2017, subject to the conditions set out in the schedule at the end of this decision.

Procedural matters

2. After the submission of the appeal but prior to its final consideration the revised edition of the National Planning Policy Framework (the Revised Framework) was published on the 24 July 2018. Both parties were given the opportunity to comment on the revisions therein and their responses are accounted in the reasoning below.
3. A unilateral undertaking was submitted at the hearing making provision (notwithstanding the appellant's prior position that Vacant Buildings Credit (VBC) was applicable to the site) for the provision of affordable housing, either reflecting the VBC or offering a 40% policy compliant option and financial contributions to local infrastructure. These are considered below in relation to *Affordable housing and unilateral undertaking*.
4. The proposed development would affect the setting of two adjacent listed buildings and an associated curtilage building. Although no harm is alleged in this regard by the Council I am required to have regard to this matter through section 66 of the Act¹. This too is considered under *Other material considerations* below.

¹ Planning (Listed Buildings and Conservation Areas Act) 1990.

Main Issues

5. These are, a) whether the site is a suitable location for residential development having regard to the policies of the development plan and the Revised Framework, b) whether the VBC is applicable to the site as it relates to farm buildings in agricultural use/most recently in agricultural use, c) in light of the above what provision of affordable housing on the site is appropriate and d) if there is conflict with development plan policy in respect the above, whether there are other material considerations which would justify the grant of planning permission other than in accordance with the policies of the development plan.

Reasons

The site, its context and the development proposed

6. The appeal site comprises the greater former farmstead of Allesborough Farm, located between Allesborough Hill and Rebecca Road on the North West periphery of Pershore. The north and west of the site is bounded by open cultivated agricultural land, whilst to the south there is a finger of suburban development, some of it recent, extending to the west between Rebecca Road and Holloway. To the east, both north and south of Allesborough Hill, C20 residential development descends the slopes towards the historic town. As such, the site lies directly adjacent to but outside the development boundary of the town and for the purposes of development plan policy, lies in open countryside.
7. The site covers a substantial area and comprises a large and imposing multi-phased farmhouse the earliest elements of which date from the C15. A substantial former threshing barn lies to the south of the house most likely dating from the C17. Both are listed at Grade II in recognition of their special architectural or historic interest. Roughly between the two structures there is a stable block agreed to have the status of a curtilage listed building. To the west of these buildings are fragments of wall and stock buildings incorporated into later structures that nevertheless partly define the former enclosed yard.
8. Beyond these historic structures lie a further eight mid/late C20 agricultural buildings of differing forms and size, all unified by extensive areas of hard surfacing bounded by utilitarian enclosures.
9. Both the barn and stables have permission and consent for conversion to residential use. In addition the principle of the conversion of two other of the modern buildings for the same purpose, through the issuing of Proposed Lawful Development Certificates, is also established.
10. The proposals comprise three ranges of buildings incorporating groups of dwellings. The largest, to the west, is arranged in a 'U' shaped court, whilst the other two are essentially linear in form. Private amenity space is defined, along with common access areas, car parking/porting and additional landscaping. The ranges are elevated in a manner to evoke traditional farm buildings and whilst their domesticity would be readily apparent, this approach does have a measure of conviction, visibly taking cues from the substantial former threshing barn on the site.

A sustainable location for development

11. The Council accept that the location of the development cannot be considered isolated. Indeed, they cite no conflict with policies of the development plan in the decision notice that indicate the site is locationally unsustainable. Moreover, an appreciation of the site in relation to the town confirms it is be readily accessible to the town centre, and the services it offers by means other than the car. As such, and as the Inspector concluded in the analogous Whittington decision, this development can reasonably be held to accord with the broad aims of policy SWDP2 of the South Worcester Development Plan (SWDP) which seeks to focus development on urban areas, where access to housing need and public services are greatest².
12. Rather, the Council have refused the proposals as a result of conflict with criteria C of SWDP2 of the SWDP which indicates that development beyond settlement boundaries (defined as open countryside) will be strictly controlled. This policy assumes exceptions to this control being for specific types, and these exclude residential development of the scale proposed here. In support of the defence of this policy the Council also state the proposals would fail to safeguard or enhance the open countryside or encourage the effective use of brownfield land, two of the principles set out in criteria A of SWDP2.
13. It is commonly agreed that the appeal site lies outside the development boundary of Pershore and that the proposals fall outwith the scope of the exceptions set out in the policy. The proposals are therefore 'in principle' in conflict with policy SWDP2 of the SWDP. This is the very cornerstone of the Council's case – that this conflict with the SWDP policy, of itself should be afforded significant weight and moreover such a position has the support of the Revised Framework. There is no dispute that section 38 (6) of the Act requires that if regard to the development plan is to had then determination of an appeal must be made in accordance with the development plan unless material considerations indicate otherwise, a point made clear by the Inspector in the Badsey case, and indeed which has been made in many others³.
14. But as paragraph 12 of the Revised Framework also makes clear, the development plan is the 'starting point for decision making', not its end. In order to understand the balance of considerations in play here it is first necessary to understand the nature of the breach in policy, the extent of any planning or environmental harm that would result (and which it is the purpose of the policy to limit) and take into account any other material factors that may weigh in favour of the proposal.
15. The first point is quickly established: this is development beyond the settlement limit of a type not prescribed. However, the Council state in paragraph 27 of their statement that the proposals will fail to safeguard or enhancing the open countryside, nor encourage the re-use of brownfield land. But beyond this statement nowhere do they set out the actual harms that would result from the development nor do they identify the brownfield opportunities that will be forgone in the event of the development being allowed. Indeed, with regard to the effect of the scheme on 'visual impact and

² Appeal Ref: APP/H1840/W/17/318096.

³ Appeal Ref: APP/H1840/W/3166467.

effect on landscape character' the Council state the scheme would be acceptable⁴. In the absence of identified harm it must follow that the open countryside is safeguarded. In the absence of evidence indicating brownfield opportunities foregone it is not clear how the encouragement of this objective is diminished. On the second point identified above then, though a technical breach and thus conflict with the plan, in the absence of clear and salient planning harms, the weight to be afforded this conflict, in the specific circumstances of this case, is limited. I return to the other material considerations to be taken into account below after first considering the matter of the VBC.

The application of VBC

16. It is central to the appellant's position in respect of the provision of affordable housing that the VBC applies in this case. In summary, this introduces a mechanism for offsetting the existing floor area of vacant buildings against a percentage policy requirement for affordable housing, thus reducing the amount required. The stated purpose of the approach is to 'incentivise brownfield land development' as set out in paragraph 23b – 022 and 023 of the National Planning Practice Guidance (PPG)⁵. Pursuit of this brownfield agenda is given further support in paragraph 118 of the revised Framework, which gives substantial weight to the value of using suitable brownfield land.
17. The nub of the dispute over the application of VBC is in the nomenclature applied to the land in question. The appellant asserts that the site, having been utilised as a farmstead with its associated buildings and hardstanding, legitimately accords with a definition of *brownfield land* – the term referenced in the PPG and in the Revised Framework. The Council on the other hand reject this term as not being defined in the context of the pre-revision Framework, instead applying the term defined in the annex to the old document, *previously developed land*. This definition expressly excludes land that is or has been occupied by agricultural or forestry buildings.
18. In the absence of any clarity as to the relationship between the two terms, either in national policy, guidance or of any form of precedent established by the grant of planning permission, appeal or consideration by the Courts, it is reasonable for the appellant to pursue the application of the VBC in this case. However, the Revised Framework retains the same broad definition of previously developed land. Crucially, in the glossary contained in Annex 2 thereof, there is also now a reference to brownfield land. This simply states: 'See previously developed land'. Moreover, the aforementioned paragraph 118 also makes explicit reference to 'suitable brownfield land'. In combination these factors clearly indicate that for the purposes of the Revised Framework, brownfield land is to be considered as previously developed land, and that suitable previously developed land should be that not expressly excluded in the supplied definition. This means that buildings occupying agricultural land do not qualify for VBC.

Affordable housing and unilateral undertaking

19. The appellant does not dispute there is a significant need for affordable housing in the district. The Council define this need as 'high', indicating that there is

⁴ Page 10 paragraph 6 of the officer's delegated report, Council's documents, Appeal Questionnaire.

⁵ Appellant's appeal statement, page 16.

currently an annual requirement for 260 affordable dwellings in the district. Their evidence also indicates there are a total of 2262 households registered with the district council of which 213 reside in Pershore itself⁶. Further evidence included in the appeal documents indicates house price increases in the district are rising at an annual rate a little below 6%, above national averages. There is no doubt therefore that affordable housing need in the district is indeed high, and that the Council is entirely justified in seeking a policy compliant target of 40% on this site. This is a policy requirement supported by a detailed Supplementary Planning Document (SPD).

20. As indicated above, notwithstanding the appellant's position in respect of VBC, at the hearing they presented a signed and dated unilateral undertaking which, inter alia, makes provision for 10 affordable homes on the site and a financial payment to account for the decimal percentage to meet the 40% requirement. It also contains a provision that should I find that the VBC should apply, a lesser number of four affordable dwellings will be offered.
21. As I have found the VBC does not apply I consider the former obligation fully meets the Council's policy expectations and therefore can be held to accord with the Revised Framework's expectations with regard to planning obligations and I therefore take it into account in respect of this decision. Moreover, given the demonstrated acute need for affordable homes in the district I also conclude that such provision should be afforded moderate weight in favour of the proposals in the planning balance.
22. The undertaking also makes provision for financial contributions towards public open space and formal sports provision. Given the proximity of the development to Pershore, its public open spaces and formal sports facilities, and the clear likelihood that future occupiers will avail themselves of these amenities, it is appropriate and justified for the Council to seek contributions to mitigate this increased usage. Such contributions are supported by specific policies and SPD. These mechanisms calibrate the contributions and indicate the areas in which funds will be directed. Accordingly I consider them necessary to make the development acceptable in planning terms, proportionate and directly related to the development. I therefore duly take them into account in this decision.

Other material considerations

23. The Council is right to point out that they are currently able to demonstrate a five year supply of housing land, and indeed that the current supply exceeds this requirement. In so doing, through the development plan process, and in accordance with paragraph 59 of the Revised Framework, they can be held to support the Government's objective of significantly boosting the supply of homes. However, these housing numbers are characterised as a minimum and there can be no dispute that in the current context the provision of further homes will both help meet identified housing need and increase choice in the market, thus enhancing affordability. In these circumstances therefore it is right that, notwithstanding the current supply position, the provision of such housing still merits modest weight in the planning balance.
24. The Council conclude the effect of the development on the setting of the listed buildings would be neutral, indicating the beneficial effects of the removal of

⁶ Consultation response from the Council's Housing Officer, Appeal Questionnaire.

the existing sheds are off-set by elements of the proposed development obscuring views of the house and barn.

25. It would have to be the most ardent enthusiast of mid C20 agricultural architecture to find any merit in the modern buildings (with the possible exception of the two Dutch Barns) on the site. The clearance of these time-expired utilitarian structures has to be considered a benefit to the setting of the former farmhouse and threshing barn. Whilst some of the proposed development may limit views of the listed buildings currently available, they would create others, and again here the balance is in favour of the proposals in this regard.
26. Again, some may take issue with the faux agrarianism of the design approach adopted, desiring something more honest. However, the forms and treatment of the proposed structures take their cue from the local vernacular whilst elevating them as modern dwellings. This to my mind is a reasonable approach to take in the circumstances and on balance, the proposals would enhance, or better reveal the significance of the designated heritage assets on the site. On this basis therefore the proposals would preserve the settings of the listed buildings, so according with the expectations of the Act and with paragraph 193 of the Revised Framework, which anticipates great weight being given to the asset's conservation. Moreover, insofar as the significance of the assets is better revealed, in accordance with paragraph 200 of the revised Framework, the proposed development should be treated favourably. This heritage benefit justifies moderate weight being apportioned in favour of the proposals in the final planning balance.

Planning balance and conclusions

27. These proposals are in clear technical breach of policy SWDP2, one of the key strategic policies of the development plan. In the context of a plan-led system, and an up-to-date plan, this must weigh against the proposals. However, in the absence of any specifically identified harm, and indeed conformity with one of the key principles of the policy, the weight to be afforded such a breach has to be limited.
28. Set against this harm I have identified benefits in the form of the contribution to market and affordable housing and the tangible improvement to the settings of designated heritage assets on the site as a result of the development. Taken together these benefits demonstrably outweigh the harm as a result of a breach of development plan policy. The Council is right that the policies of the development plan should not be arbitrarily set aside. However, section 38 (6) of the Act, and the Revised Framework makes clear in paragraph 12, the decision-maker may make a decision that departs from an up-to-date development plan, but only if material considerations in a particular case indicate the plan should not be followed. This is the case here, where in the planning balance the material considerations, in the form of tangible public benefits, clearly outweigh the technical breach of policy. It is for these reasons that the appeal is allowed.

Conditions

29. The appeal being allowed, a condition is necessary to ensure the development is carried out in accordance with the approved plans and details, for certainty. A condition is also required to secure the provision of bat and bird nesting

boxes on the site to ensure the development continues to contribute to the nature conservation and biodiversity of the area. A further condition is required to secure a programme of sustainable drainage for the site to mitigate flood risk and actively manage surface water run-off. Conditions are also required to facilitate the prior demolition and clearance of extant buildings on the site and for a programme of archaeological investigation to be undertaken, first in the interests of visual amenity and secondly to safeguard and ensure the recording of any below ground remains of archaeological interest.

30. A suite of four conditions are required to secure details of the residential 'T' junction and footways, engineering details of all proposed roads and footways within the site, visibility splays and the need to provide parking and cycle storage facilities on the site, all in the interests of highway safety and the encouragement of sustainable modes of travel. Conditions are also required to secure the provision of a site construction management plan and control the hours of site operation and servicing, both in the interests of living conditions of adjacent occupiers and highway safety. In order to ensure that the development is able to deliver a proportion of renewable energy/low carbon outputs a condition is required to ensure such mechanisms are in place to facilitate this.
31. Conditions are also required to secure details of landscaping, materials, architectural details and existing and proposed ground levels, all to ensure a satisfactory appearance to the development. Lastly a comprehensive condition is required to secure a programme of site remediation to fully mitigate any threat of pollution and so risk to the wellbeing of future residents and the natural environment.
32. In accordance with Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 the Appellant's acceptance of the pre-commencement conditions set out in the schedule has been sought and given by them.

Conclusion

33. For the reasons given above and having considered all matters raised in written evidence and orally during the Hearing, I conclude that the appeal should be allowed.

David Morgan

Inspector

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless where required or allowed by other conditions attached to this permission, the development hereby approved shall be carried out in accordance with the information (including details on the proposed

materials) provided on the application form and the plans/drawings/documents set out in the submitted schedule.

- 3) Prior to the first occupation/use of any part of the development hereby permitted, details of bat roosting feature and bird nesting box(es) to be provided as part of the approved development shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include an implementation timetable. The feature(s) shall be provided in accordance with the approved details and in accordance with the approved timetable.
- 4) No building hereby permitted shall be occupied until details of the design, implementation, maintenance and management of sustainable urban drainage/surface water drainage works have been submitted to and approved in writing by the local planning authority. The submitted details shall:
 - (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - (ii) include a timetable for its implementation; and
 - (iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The development shall be carried out, and the drainage maintained/managed, in accordance with the approved details.
- 5) Prior to the development hereby approved being first used/occupied, all the existing buildings on the site as shown on the approved plans shall be demolished and the site cleared of all the resulting materials (apart from materials used in the construction of the development hereby approved).
- 6) Prior to the commencement of building operations on the site details of existing and proposed datum site levels shall be submitted to and approved by the local planning authority. The development shall be constructed on the basis of the approved levels.
- 7) No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, and/or a programme of historic building recording, and interpretation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation

f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 8) The development hereby approved shall not be first used/occupied until details of the residential T junction and 2 m wide footways to be provided along Rebecca Road have been submitted to and approved in writing by the local planning authority. None of the dwellings hereby approved shall be first occupied until the T junction and footways on Rebecca Road have been fully constructed in accordance with the approved details.
- 9) The development shall not be first occupied until engineering details and specification of the proposed roads, footways, individual vehicular accesses, driveways and turning areas (as shown on the approved plans), as well as drainage to serve these facilities have been submitted to and approved in writing by the local planning authority. None of the dwellings hereby approved shall be occupied until the roads necessary to provide access from the nearest publicly maintained highway and associated parking and turning facilities have been completed in accordance with the approved details.
- 10) Before any other works hereby approved are commenced, visibility splays shall be provided as shown on the Cotswold Transport Planning drawing SK02 rev E. Nothing shall be planted, erected or allowed to grow in the defined visibility splays which would obstruct visibility.
- 11) Prior to the first occupation of any dwelling hereby approved secure parking for cycles to comply with the Council's standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.
- 12) The development hereby permitted shall not begin until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction of the development. The statement shall provide for:-
 - (a) Parking of vehicles of site operatives and visitors;
 - (b) Loading and unloading of plant and materials within the application site;
 - (c) Storage of plant and materials;
 - (d) Siting of site offices;
 - (e) Wheel washing equipment;

- (f) Measures to protect the amenities of nearby properties and the highway from noise, vibration and dust during construction.
- 13) Prior to the occupation of any part of the development hereby permitted details of renewable or low carbon energy generating facilities to be incorporated as part of the development shall be submitted to and approved in writing by the local planning authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable/low carbon energy generating facilities. The approved facilities shall be provided prior to any part of the development hereby permitted being first occupied or in accordance with a timetable submitted to and approved by the local planning authority as part of the details required by this condition.
- 14) Before the first use/occupation of the development hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:-
- (i) a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.
 - (ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.
 - (iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
 - (iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.
 - (v) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.
- All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner.
- The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 15) No building operations hereby permitted shall commence until details of the materials to be used in the construction of the external surfaces of the buildings and structures (including walls and boundary features) hereby permitted have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include:-
- type, colour, texture, size, coursing, finish, jointing and pointing of brickwork/stonework;
 - type, colour, texture, size and design of roofing materials;

- detailed specification of the new weatherboarding showing the dimensions, profile and a description of the stain or paint finish to be applied to the boarding:
 - details of all external doors, porches and windows.
- 16) Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 08.00 and 18.00hrs Monday to Friday and 08.00 and 13.00hrs on a Saturday. There shall be no demolition, clearance or construction work or deliveries to and from the site on Sundays or Bank Holidays.
- 17) Development, other than that required to be carried out as part of an approved scheme of remediation, shall not commence until Parts 1 to 6 have been complied with:

Part 1

A preliminary risk assessment shall be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. A preliminary risk assessment report including:- - a diagrammatical representation (conceptual model) based on the information above; and - all potential contaminants, sources and receptors to determine whether a site investigation is required shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works on the development hereby

Part 2

Where an unacceptable risk is identified and prior to the commencement of construction work on the development hereby permitted a scheme for detailed site investigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to assess the nature and extent of any contamination and shall be led by the findings of the preliminary risk assessment.

Part 3

Where part 2 applies, a detailed site investigation and risk assessment shall be undertaken in accordance with the approved scheme required under Part 2 and a written report of the findings produced, submitted to and approved in writing by the local planning authority. The investigation/assessment shall be approved prior to the commencement of construction works on the development hereby approved.

Part 4

Where identified as necessary in the report approved under Part 3, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors shall be produced, submitted to and approved in writing by the local planning authority. The scheme shall include an implementation programme. The scheme shall be approved prior to the commencement of construction works on the development hereby approved.

Part 5

The remediation scheme approved under Part 4 shall be carried out in accordance with the approved implementation programme.

Part 6

Following the completion of the measures identified in the remediation scheme approved under Part 4, a validation report that demonstrates the effectiveness of the remediation carried out shall be produced, submitted to and approved in writing by the Local Planning Authority. None of the development hereby approved shall be occupied/first used until the validation report has been approved.

Part 7

In the event that contamination is found at any time when carrying out the approved development that was not previously identified in the report approved under Part 3, construction works shall cease and this shall be reported immediately in writing to the Local Planning Authority. In such circumstances an investigation and risk assessment must be undertaken and a revised remediation scheme must be produced, submitted to and approved in writing by the Local Planning Authority. Development works shall not resume until the revised remediation scheme has been approved in writing. The measures as set out in the revised remediation scheme shall be carried out. Following the completion of any measures identified in the approved revised remediation scheme a validation report must be produced, submitted to and approved in writing by the Local Planning Authority. None of the development hereby approved shall be occupied/first used until the validation report has been approved.

APPEARANCES

FOR THE APPELLANT:

Ms Celina Colquhoun, of
Counsel

Mr Sim Firkins BA (Hons) , MTP
MRTPI

FOR THE LOCAL PLANNING AUTHORITY:

Mr Jonathan Edwards

Mr Jeffrey Solomon BSc (Hons)
MRICS

Ms Heather Peachey

INTERESTED PERSONS:

Mr Philip Edwards

DOCUMENTS PRESENTED AT THE HEARING

1. Signed and dated unilateral undertaking(Appellant)
2. Aerial photograph of the Box Lane site (Appellant)
3. Box Lane Committee Report (Appellant)
4. Draft Statement of Common Ground (Appellant)
5. Draft Statement of Common Ground (Council)
6. Appeal Decision Appeal Ref: APP:/H1840/W/17/3180996 (Appellant)
7. Appeal Decision Appeal Ref: APP:/H1840/W/(17)/3166467 (Appellant)
8. Appeal Decision Appeal Ref: APP:/H1840/W/17/3192134 (Council)
9. Comments on unilateral undertaking (Council)
10. List of conditions (Council)