



Appeal Decision

Hearing Held on 3 September 2019

Site visit made on 3 September 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/C1435/W/19/3223513

Yewtree Trout Farm, Yew Tree Lane, Rotherfield TN6 3QP

- 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 Mr & Mrs Schumacher against the decision of Wealden District Council.
 - The application Ref WD/2018/1467/F, dated 6 July 2018, was refused by notice dated 16 November 2018.
 - The development proposed is redevelopment of commercial fishery for one new dwelling house of exceptional quality and design, garage, ancillary buildings, landscape enhancements and associated works.
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Decision

1. I allow the appeal and grant planning permission for redevelopment of commercial fishery for one new dwelling house of exceptional quality and design, garage, ancillary buildings, landscape enhancements and associated works at Yewtree Trout Farm, Yew Tree Lane, Rotherfield TN6 3QP in accordance with application Ref WD/2018/1467/F, dated 6 July 2018 and subject to conditions 1) to 19) on the attached schedule.

Preliminary Finding

2. It was clear at the site inspection the degree to which the site is visually contained by tree growth and the railway embankment albeit the area contained is large; and that the entry through the railway arch forms a visual constraint to wider views until the bridge is past. That topography has been heavily influenced by the previous earth movement to form the fishery
3. As a result it has not proved appropriate in writing this Decision to separate readily the effect on the Area of Outstanding Natural Beauty from the requirements in national policy for an isolated house to significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. As a result, there is the single main issue as follows.

Main Issue

4. This is the extent of compliance with paragraph 79e) of the National Planning Policy Framework having regard to the location within the High Weald Area of Outstanding Natural Beauty.

Reasons

Policy

5. Saved Wealden Local Plan Policy EN6 was quoted in the Refusal Notice and states that development within the High Weald Area of Outstanding Natural Beauty will only be permitted if it conserves or enhances the natural beauty and character of the landscape and particular care will be paid to the siting, scale, layout and design of development. There follows a list of matters for which particular regard is to be had and these will be considered in detail later in this Decision.
6. The Refusal Notice also referred to emerging Policy EA5 of the Wealden Local Plan Submission Document of January 2019 which concerns the High Weald Area of Outstanding Natural Beauty, where development will only be permitted if it conserves and seeks to enhance natural beauty, and there is reference to the character components and functions as set out in the High Weald AONB Management Plan. Whilst the emerging Plan is part-way through the Examination, this policy has similar aims to the adopted policy with regard to the Area of Outstanding Natural Beauty and should be afforded significant weight.
7. Whilst these were the only policies cited in the Refusal Notice, it was agreed at the Hearing that there are other relevant policies. In the Core Strategy the planning objectives in Policies SPO1, SPO3, SPO7 and SPO13 concern the management of countryside resources, the need for and location of homes, reducing the need for travel, the development of high quality, safe and attractive living environments and addressing climate change. The Rural Areas Strategy is set out in Policy WCS6 although the Development Plan Document on delivery and site allocations that is referred to has not been progressed and national policy on isolated homes in the rural area should apply as stated in supporting paragraph 6.44. Policy WCS12 sets out requirements on biodiversity and Policy WCS13 refers to green infrastructure, while WCS14 states the presumption in favour of sustainable development.
8. The adopted Local Plan contains Policy GD2 on development outside boundaries, which will be resisted, and Policy DC17 states that housing development will not be allowed outside development boundaries unless it conforms with other policies in the Plan. Sustainable development is the aim of Policy EN1, Policy EN14 seeks landscaping in appropriate cases and Policy EN27 sets criteria for layout and design. Transport Policies TR3 and TR16 set out requirements for traffic generation, access and on-site parking.
9. Further emerging policies identified from the Wealden Local Plan Submission Document are Policy WLP4 on development outside development boundaries and WLP7 on housing targets by parish. Policies AF1 and AF2 set out requirements on air quality with reference to the Ashdown Forest Special Area of Conservation. Biodiversity is the subject of Policy EA1, the Ashdown Forest Special Protection Area is covered by Policy EA2 and requirements on green infrastructure are set out in Policy EA3. Policy RAS2 permits isolated dwellings in the countryside where, among other circumstances, the dwelling is of exceptional quality. Light pollution is to be controlled under Policy NE3 and Policies BED1 and BED2 concern the built environment and design.

10. Two paragraphs of the National Planning Policy Framework were cited in the Refusal Notice. Paragraph 79 within the section on rural housing, states that planning policies and decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply. The one referred to in this application is e) which requires a design that is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
11. For the avoidance of doubt, the site is agreed to be isolated in the terms of paragraph 79 of the Framework having regard to the findings of the 'Braintree' case on that subject. The proposal has been promoted on the basis specifically of section e) to that paragraph although other benefits are also put forward.

Isolated Homes in the Countryside

12. The site is currently in use as a trout fishing facility with lakes formed by damming streams fed by ghylls that are an identified feature of the High Weald area, the site also containing ancient woodland, grassland and many trees. A disused railway line runs along near the eastern boundary, mostly on an embankment but dropping to natural land level and a limited amount of cutting to the south-east. The site entry is through a tall but narrow brick arched bridge under the track formation and there is a public footpath running between the main road and Yew Tree Lane on the far side of the railway line, behind a belt of trees.
13. The limited built form comprises the lodge and associated decking, the railway bridge and the small timber bridge onto an island. There was some discussion over whether the railway bridge should be regarded as a non-designated heritage asset pursuant to section 16 of the Framework, and whilst there is no official recognition of such status, it does represent part of the cultural and industrial history of the area and performs an important role in the visual experience of the site.
14. The site is attractive and well maintained, with enhancement to landscape features already evident, although the appellants are clear that there can be no guarantee of this continuing indefinitely. That attractiveness derives very much from the man-made interventions as opposed to the natural beauty, although it is the case that the wider High Weald Area of Outstanding Natural Beauty derives much of its value from historic interventions such as agriculture, forestry and iron working.
15. There had been a previous scheme for a dwelling on the site, located on the west side of the main lake and to a significantly different design, but the present location is substantially better in its relationship with the lake and the dam, as well as responding more appropriately to the layout of the entry, reducing the amount of hard landscaping and taking the location presently occupied by the lodge. To that extent there is an element of making use of previously developed land.

16. The appellants' *Architectural and Landscape Design Proposals* provide much background to the evolution of the chosen design with information on the Zone of Theoretical Visibility showing much of this to be constrained within the site boundary and only very limited visual effects beyond that. A study of the site characteristics, sub paths and views led to a design strategy based on 3 distinct types of view, or 'experience', the lowest at the edge of the lake being short views foreshortened by the low level, the next long views down the lakes and the highest being the wide, sweeping view encompassing the lakes and the far shore to the boundary woodland. This has informed three distinct parts of the building and the uses put within them.
17. The railway arch would be used to constrain and frame the approach and on the far side would allow a more open view towards the site of the house. The design would take many visual and material cues from a railway aesthetic, the use of brick batters, buttresses and arches, while the long low elements would be reminiscent of the rhythm of a railway carriage windows. The rounded roof and barrel-vaulted construction of the lowest part, offering the first type of 'experience' close to the water level, would reinforce that aesthetic.
18. The second level of experience would be set back away from the water and in front of the barrel-vaulted part, with the brick detailing from the railway arch to act as what are described to be 'blinkers' to guide the outward view, and this part would provide a solid base for the lighter-weight aesthetic of the third 'experience' above and jettying slightly over the brickwork. This part would house bedrooms with the privacy that the elevated level would give and directing a view over the wider landscape. This arrangement would relate well to the site features and topography and the passing acknowledgment of the proximity of the former railway line would be subtle but meaningful, wholly appropriate to the site and the house's location.
19. Whilst planning may well be more concerned with the external appearance and the relationship with the surroundings, the judgement of exceptional quality, and the highest standards in architecture must go beyond that consideration and it is the case here that the internal spaces and how they have been designed to address the wider landscape would be of the highest standard and would continue the theme of the railway aesthetic, with the internal vaulting, brick arches and the regular pattern of vertical rather than horizontal windows.
20. It was explained that the house has not been designed to cater for all eventualities of guests and special occasions, which could so easily have led to an over-large but mostly underused building, with all the attendant running costs. The proposal is to house occasional guests in 3 free-standing, self-contained 'railway carriage' structures spaced along the track bed of the former railway line to the south of the bridge, and accessible only on foot from the car park area. These would each be raised with a deck reminiscent of a platform, an elliptical roof form and 'tumblehome' at the bottom of the wall, with corridor connections at the ends, all features found in railway carriages.
21. This solution to the need for additional room on occasions would control the size of the house whilst responding in an appropriate way to the history of the site and presence of the railway line and would be a light-touch and suitably light-hearted addition to the site. Whilst they would provide facilities for independent use, a condition could ensure that they are only occupied ancillary to the use of the main house.

22. The last building to be considered would be the garage block with integral store and greenhouse, placed on the site of the present fishery car park, where there is presently an unattractive shipping container used as a store and which sits within the root protection area of a significant tree. The site would be a low point behind the dam and although possibly the first indication of built form when approaching through the railway arch, would not be out of place or disruptive to the rural surroundings, being visually contained by trees to the rear and the dam to the south.
23. In addition to the built form, the proposals include enhancements and changes to the landscape through new native species planting of woodland and hedging, preserving the ancient woodland, new reed beds, and biodiversity improvements. The appellants made clear that they have no requirement for a formal garden, their preference being for native species and natural planting. A condition could ensure delivery of the proposal and limit the extent of domestic curtilage; a necessary requirement on such a large site, one that relies on openness within constrained views. It is clear that the building and the landscape have been designed in tandem from the outset.
24. The building has been designed with energy efficiency in mind with what is described as a 'fabric first' approach; by taking advantage of the orientation for passive solar gains from a low winter sun while avoiding harmful gains from a high summer one; and by integrating renewable technology. This approach responds appropriately to the site topography and lack of over-shadowing, with some timber available for the 'recreational' use of a biomass boiler.
25. Looking in detail at the requirements of Framework paragraph 79e);

Being truly outstanding, reflecting the highest standards in architecture, and helping to raise standards of design more generally in rural areas. The rigorous approach to the site analysis and the requirements of the appellants have led to a singular building and its surrounding landscape that is of the highest standards of design, drawing on the unusual nature of the altered topography and the industrial heritage of the site. This approach results in a building that at the least reflects the highest standards in architecture and in many aspects exceeds them. Whilst not publicly visible and being designed as a private house, the appellants refer to the possibility of being open at times under the National Gardens Scheme, but in any event news spreads of such designs, and this can only help to raise standards as sought.

As an alternative, being innovative. The site requires an attractive, visually outstanding building and landscape design and whilst innovation has been employed to that end, the thermal performance and use of energy does not seek to be truly innovative, rather it uses tried and tested methods to achieve an energy and carbon footprint significantly less than a standard house. There is nothing wrong with this approach and this is allowed for in the alternative within paragraph 79e).

Significantly enhancing its immediate setting, and being sensitive to the defining characteristics of the local area. The setting is not degraded but the man-made interventions have resulted in a managed landscape without a focal-point other than the low-key and recessive lodge building. In the true traditions of country houses, the placement of a well-designed building as proposed would provide that suitable focal-point and make sense of the landscape forms, the lakes and the valley, on the removal of the fishery use.

The proposals would be sensitive to the defining characteristics of the site, and the local area, they being the line of the railway and the various embankments, bridges and cuttings along its length, and the features of the wider Area of Outstanding Natural Beauty from which the site is largely visually divorced but the enhancements proposed would further the aims of the designation. The proposal would as a result significantly enhance the immediate setting.

It is concluded from the foregoing that the proposal would be of exceptional quality as sought as an exception under paragraph 79e) to the general policy of avoiding isolated homes in the countryside.

26. Saved Policy EN6 contains detailed matters to which particular regard is to be had;

(1) the landscape characteristics of the sub-areas identified in the High Weald landscape assessment. The constrained nature of the site limits the wider effects, and the landscape characteristics of the site are unusual and not representative of the sub-area or the wider designated Area.

(2) the well-wooded appearance, especially Ancient Woodlands, together with other woods, tree belts and hedges. The proposal has no adverse effect on such features and seeks to enhance the protection of the ancient woodland. Conditions could secure enhancements that would not be guaranteed otherwise.

(3) undeveloped steep valleys ,and ghylls. There are such steep valleys and ghylls within the site boundary on the perimeter of the lake and above its dammed water level. The proposals would have no adverse effects and would secure enhancement and protection.

(4) open heathland. This does not appear appropriate to the site location.

(5) undeveloped ridge positions and other visually exposed locations. This does not appear appropriate to the site location; the site is not exposed to inward views other than in some limited places along Sherriff's Lane, where augmentation of tree cover could further filter views if required.

(6) areas of unspoilt or remote character. The site is isolated in policy terms but not truly remote and is not unspoilt natural topography. The proposal would enhance the character and appearance of the site by providing a focal-point to the man-made lakes in the traditions of the English country house.

(7) the traditional settlement pattern, building styles and materials. The local pattern is of sporadic development along lanes and beyond, and the proposal would not upset that pattern. The building would draw on local styles introduced by the railway but seen in nearby premises and would use locally sourced materials.

(8) the High Weald Management Plan. The nature of the site and its history of intervention mean that the proposals result in no harm to the aims of the Plan and there is no overall policy preclusion of paragraph 79e) houses within Areas of Outstanding Natural Beauty. The requirement of paragraph 172 of the Framework to conserve and enhance landscape and scenic beauty would be met.

The conclusion is that the proposal accords with this Policy.

27. The appellants put forward some improvements to the footpath route in that it appears people are, wrongly, using the railway line which is not a right of way. The proposal is to regularise the route from that desire-line back to the definitive right of way footpath, and to enhance planting to prevent use further to the north. This is a reasonable response of a landowner but would result in some enhancement of the walking experience.
28. Another benefit of the scheme is a reduction in the traffic entering and leaving the site from that likely to be generated by the present 12-rod fishery. The effect on the Ashdown Forest Special Protection Area is to be considered with regard to the Agreement entered into by the appellants and the Council, but having mind to the rural nature of the Lane and local area, and the aims of the High Weald Management Plan, that reduction would be a benefit.
29. The proposal has been found to accord with the specific local and national policies cited in the Refusal Notice, but in addition the proposal would accord with or further the aims of the policies previously outlined with regard to the management of countryside resources, the need for homes and their location, addressing climate change, biodiversity, green infrastructure, the provision of landscaping, good layout and design, and on traffic generation, access and parking.
30. To conclude, the proposal of new house and landscaping together reach the standard sought in order to allow an isolated home in the countryside and would not cause harm to the character and appearance of the Area of Outstanding Natural Beauty; planning permission should be granted.

Conditions and Agreement

31. On the former, the Council and appellants had discussed conditions, and the Officers' Report that had recommended approval contained a set of conditions also. The conditions in the Statement of Common Ground had not been agreed by the time of the Hearing, but they were discussed and amended at that time. The Council and the appellants then produced an agreed set should the appeal be allowed.
32. These conditions satisfy the six tests set out in the Framework and the web-based Planning Practice Guidance, and agreement has been given to the necessary use of pre-commencement conditions.
33. Turning to the Agreement, there are identified pathways by which harm might be caused to the Ashdown Forest Special Protection Area through the introduction of additional residents. The Inspector is the Competent Authority at appeal stage and an Assessment is required. There are 7 steps to the Assessment and once one of the steps has been met there is no requirement to go on to consider the remaining steps;

Step 1, is the proposal directly connected with or necessary to the management of a protected site? No, that is not the case.

Steps 2 and 3, is the proposal likely to have a significant effect on the interest features of the site, alone or in combination? If it is or such a risk cannot be excluded on the basis of objective information, then an Appropriate Assessment must be undertaken to determine whether or not the development will have an adverse effect on the integrity of the site. The development would risk having such an effect through traffic and recreational use.

Step 4, if any adverse effects are identified, can they be mitigated or overcome by conditions or other restrictions such as a section 106 agreement or undertaking? The appellant has entered into an Agreement with the Council as follows. Contributions are covenanted towards the Air Quality Mitigation Strategy, the Strategic Access Management and Monitoring Strategy, and the provision of Suitable Alternative Natural Greenspace, the latter being at Crowborough which is closer to the site than the Forest. These are calculated on a per-dwelling basis and meet the 3 tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 of being necessary to make the development acceptable in planning terms, being directly related to the development and being fairly and reasonably related in scale and kind to the development.

34. It is concluded that the possible adverse effects of proximity to and the accessibility of the Ashdown Forest Special Protection Area can be mitigated or overcome by the Agreement and that it is not necessary to continue further with the Assessment.

Conclusions

35. The particular circumstances of the site lead to the conclusion that the proposed new dwelling would, along with the attendant landscaping secured by conditions, be of the quality sought as an exception under paragraph 79e) to the general policy of avoiding isolated homes in the countryside. Whilst the site is within the High Weald Area of Outstanding Natural Beauty, no harm would be caused to the designated area's character and appearance, and its scenic beauty would be conserved and enhanced.

S J Papworth

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

E Murphy	Planning consultant for Wealden District Council Murphy Associates
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FOR THE APPELLANT:

R Hughes	Planning consultant Hughes Planning
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R Hawkes	Architect Hawkes Architecture
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M Young	Landscape Architect Squires Young
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J & G Schumacher	Appellants
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DOCUMENTS

Document	1	Completed Agreement dated 2 September 2019
Document	2	Appellant's' agreement to pre-commencement conditions
Document	3	Agreed conditions submitted jointly
Document	4	Revised drawings 7.2.2_B, Footpath Plan_A, Site Location Plan_A (1:2500) and Site Location Plan_A (1:500) submitted by appellant
Document	5	e-mail 6 September 2019 regarding Middle Super Output Areas submitted by Council

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans,
 - Site Location Plan_A (1:2500)
 - Site Location Plan_A (1:500)
 - Footpath Plan_A
 - 3.1.4 Red Line Site Plan,
 - 7.1.1 Proposed Landscape Masterplan,
 - 7.1.2 Proposed Landscape Masterplan Key,
 - 7.1.3 Proposed Biodiversity Gains and Benefits,
 - 7.1.4 Proposed Biodiversity Gains and Benefits Key,
 - 7.1.5 Proposed SUDS (1 of 2),
 - 7.1.6 Proposed SUDS (2 of 2),

- 7.1.7 Proposed House Integration,
 - 7.2.2_B Proposed Site Plan,
 - 7.2.3 Proposed Ground Floor Plan,
 - 7.2.4 Proposed First Floor Plan,
 - 7.2.5 Proposed Roof Plan,
 - 7.2.7 Proposed North-East Elevation,
 - 7.2.9 Proposed Section AA,
 - 7.2.11 Proposed Section BB,
 - 7.2.13 Proposed Section CC,
 - 7.2.15 Proposed South-East Elevation,
 - 7.2.16 Proposed North-West Elevation,
 - 7.2.19_A Proposed South-West Elevation,
 - 7.2.22 Proposed Material Application,
 - 7.3.1 Proposed Garage and Greenhouse Plan,
 - 7.3.2 Proposed Garage and Greenhouse Elevations,
 - 7.3.3 Proposed Train Carriage Location Plan,
 - 7.3.4_A Proposed Train Carriages,
 - 8.1.1 Proposed Access Strategy,
 - 8.1.2 Proposed Swept Path Analysis and Visibility Splay,
 - 8.1.3 Proposed Dwelling Access.
- 3) The residential curtilage shall be confined to the area demarcated by a solid green line as shown on the Proposed Site Plan included as 7.2.2_B (received on 5 September 2019) and shall not include or be deemed to include the remaining land within the site edged with a solid red line.
- 4) The development shall not be occupied until the Local Planning Authority has approved, in writing, a scheme to secure further mitigation of vehicles crossing the Ashdown Forest Special Area of Conservation and Special Protection Area. That mitigation shall include:
- i) Details of the provision of an electric vehicle charging point at the site.
 - ii) Provide a personalised travel plan for incoming residents to the site; and
 - iii) Details of the ability of the dwelling to connect to high speed broadband.
- The details shall include details of phasing and timing of all works to secure delivery of the mitigation and thereafter the development shall proceed strictly in accordance with the agreed further mitigation.
- 5) The development shall not be occupied until the Local Planning Authority has approved, in writing, a scheme to secure mitigation of the additional recreational pressures to the Ashdown Forest Special Area of Conservation and Special Protection Area, together with an appropriate mechanism to secure delivery of the mitigation.

- 6) The 3No 1-bedroomed detached railway carriage-styled accommodation shall not be occupied or let independently of the main dwelling and shall not be used as holiday-lets or sold off separately.
- 7) No development, including demolition, shall take place until a Demolition and Construction Environment Management Plan (DCEMP) has been submitted to and approved in writing by the Local Planning Authority. The DCEMP shall include:
 - i) The phases of the Proposed Development including the forecasted completion date(s).
 - ii) Details of the method of protection for the railway arch from construction and contractors' vehicles entering and exiting the site.
 - iii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to commence development until such consent has been obtained.
 - iv) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any Considerate Constructor or similar scheme)
 - v) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site.
 - vi) Details of hours of construction including all associated vehicular movements.
 - vii) Details of the construction compound.
 - viii) A plan showing construction traffic routes.

The construction shall be carried out in accordance with the approved CEMP.
- 8) Before preparation of any groundworks and foundations within the area edged green as shown in Proposed Site Plan included as 7.2.2_B received on 5 September 2019, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority which shall include numbering and detailing trees, confirming root protection areas, routing of service trenches, overhead services and vehicular and pedestrian access positions and any details of no dig techniques along with associated use of geotextiles and an indication of the methodology for necessary ground treatments to deal with compacted areas of soil. The works shall implemented in accordance with the approved details.
- 9) Before preparation of any groundworks and foundations on site for the development hereby approved, a detailed scheme of landscaping within the area demarcated by a solid green line as shown on the Proposed Site Plan included as 7.2.2_B received on 5 September 2019 from the landscape proposals set out at section 7.1 of the *Architectural and Landscape Design Proposals* document date stamped 2 August 2018 shall be submitted to and approved in writing by the Local Planning Authority and shall include full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained together with measures for their protection in the course of the development, including details as appropriate:

- i) Proposed finished levels or contours,
- ii) Means/method of enclosure,
- iii) Vehicle and pedestrian access and circulation areas,
- iv) Hard surfacing materials,
- v) Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc),
- vi) Planting plans,
- vii) Written specifications (including cultivation and other operations associated with plant and grass establishment),
- viii) Schedules of plants and trees, noting species, planting sizes and proposed numbers / densities where appropriate,
- ix) Implementation timetables.

All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping comprised in the approved details of landscaping shall be carried out before the completion or first occupation of the development, whichever is the sooner.

- 10) A Landscape Management Plan, including long term objectives, management responsibilities, enhancement and maintenance schedules for a minimum period of five years and details of the arrangements for its implementation for all landscape areas within the remaining red edged site as shown on Site Location Plan_A (scales 1:2500 and 1:500) dated 05 September 2019, other than within the area demarcated by a solid green line as shown on the Proposed Site Plan included as 7.2.2_B received on 05 September 2019, including proposed and existing woodlands, meadows and watercourse/s, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.
- 11) A path shall be provided as shown on the drawing Footpath Plan_A dated 5 September 2019 within and adjacent to part of the southern boundary of the application site to link the former railway track bed to the existing public footpath, Rotherfield 33 for use as a public footpath. The path shall be no less than 3m in width and constructed to details that shall be submitted to and approved in writing by the Local Planning Authority. The footpath shall be implemented in accordance with details to be approved and provided within three months of occupation of the dwelling and thereafter so retained.
- 12) Before construction above lowest slab level of any dwelling, or ancillary building, which forms part of the development hereby approved, a schedule and samples of external facing materials including details of brick bonds, jointing and pointing shall be submitted to and approved in writing

- by the Local Planning Authority. The approved materials and details shall be used in the implementation of the development.
- 13) Prior to preparation of ground levels for the construction of the development hereby approved, a scheme for the enhancement of the site for biodiversity purposes, in accordance with section 5.2 of the submitted *Preliminary Ecological Appraisal Including a Protected Species Assessment of Land at Yew Tree Lakes, Yew Tree Lane, Rotherfield, East Sussex dated 18th June 2018* to include timescales for implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.
 - 14) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A-E inclusive of that Order, shall be erected or undertaken on the site.
 - 15) Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure and no building as defined in Section 336 of the Town and Country Planning Act 1990 shall be erected at the site.
 - 16) Upon commencement of the development, the use of the site as a commercial fishery shall cease.
 - 17) Before any works commence on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority which confirms the manner in which the brick railway arch shall be protected during the construction of the development and the arch shall be retained thereafter.
 - 18) Prior to first occupation of the dwelling, an Energy Performance Certificate (EPC) rating of "A" with a SAP (Standard Assessment Procedure) score in excess of 100 must be achieved building fabric efficiency of floor, roof, walls, and windows to be constructed to no less than the U-values set out in the application document page 9.2.2 (Rule 1: Fabric First Approach) of the *Architectural and Landscape Design Proposals* document (June 2018); and a permeability result no greater than 2m³/h.m²@50Pa. to be achieved. Certificates confirming these results shall be submitted to and approved in writing by the Local Planning Authority.
 - 19) The heat and power demands of the dwelling shall be met through the use of technologies as proposed in the application documentation pages 9.2.6, 9.2.7 and 9.2.8 of the *Architectural and Landscape Design Proposals* document (June 2018), full details of which shall be submitted to and approved in writing by the Local Planning Authority. All systems are to be fully functional prior to full occupation of the dwelling. Any subsequent development or alteration of the approved technologies providing the heat and power demand of the dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to their implementation.