
Appeal Decision

Site visit made on 5 June 2020

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 24 June 2020

Appeal Ref: APP/U1105/W/20/3248033

Grange Farm, Brooklands Cross, Newton Poppleford EX10 0BY

- 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 Mrs N Cochrane against the decision of East Devon District Council.
 - The application Ref 19/1999/FUL, dated 9 September 2019, was refused by notice dated 11 December 2019.
 - The development proposed is described on the application form as 'conversion of barn to dwelling and associated works.'
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a barn to a dwelling and associated works at Grange Farm, Brooklands Cross, Newton Poppleford EX10 0BY in accordance with the terms of the application Ref 19/1999/FUL, dated 9 September 2019, subject to the conditions below.

Preliminary matters

2. There is some noteworthy planning history here, as set out below. Nevertheless each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. The development plan includes policies of the East Devon Local Plan 2013-2031 (adopted 28 January 2016, the 'LP') and the East Devon Villages Plan (adopted 26 July 2018, the 'VP'). I understand that the Newton Poppleford Neighbourhood Plan is yet to reach a sufficiently advanced stage of preparation such that its policies may be accorded significant weight. I have also had regard to various other material considerations, including the National Planning Policy Framework ('NPPF') and the Planning Practice Guidance ('PPG').
3. At appeal the appellant submitted a Design Statement.¹ An appeal should not be used to evolve a scheme. However, not unreasonably, the Design Statement responds to the Council's objection to the scheme (principally on the basis that the extent of the proposal would go beyond that which may reasonably be termed a conversion with regard to LP policy D8). The Design Statement does not seek to alter the development proposed, but rather to clarify how it could be effected. Consequently, and as there has been the opportunity to comment on the Design Statement at appeal, I have had regard to it.

¹ Prepared by the Bazeley Partnership, v.2, dated January 2020.

Policy context

4. Broadly, LP strategy 1 sets an overarching framework for distributing development across the District with reference to the scale of settlements and character of different areas. LP strategy 7, concerning development in the countryside, acts as a counterpart policy to strategy 1. Strategy 7 sets out that in the countryside, development will only be permitted where it is specifically enabled by another development plan policy. Countryside, in that context, is defined as those parts of the District outside of a defined settlement boundary or allocation. There is no dispute that the appeal site falls within the countryside.
5. Within the countryside, LP policy D8 accords, in principle, support to the re-use and conversion of rural buildings. That support is conditional on several criteria being met. Of particular relevance to this appeal are criteria 1, 2, a), b) and c). In brief, criterion 1 is that the new use must be sympathetic to and enhance the rural setting and character of the building. Criterion 2 is that the building is structurally sound and capable of conversion without the need for 'substantial extension, alteration or reconstruction'. No extension to the overall form of the existing building, nor reconstruction of a dilapidated structure is proposed. In my view, therefore, a judgement as to whether substantial alteration would be required amounts to the same thing as determining whether support is accorded to a scheme via LP policy D8 in itself. Criterion a) is that the building is no longer required for agricultural use or (rural) diversification, criterion b) that conversion will enhance the site's setting, and criterion c) that development is located 'close to a range of accessible services and facilities to meet the everyday needs of residents'.
6. As the appeal site falls within the East Devon Area of Outstanding Natural Beauty ('AONB'), LP strategy 46 is also relevant. That strategy, similar to LP policy D8 criteria 1 and b, requires that development 'conserves and enhances the landscape character of the area'. Areas of Outstanding Natural Beauty are designated for the purposes of conserving and enhancing natural beauty. Section 85(1) of the Countryside and Rights of Way Act 2000 as amended places a duty upon me to have regard to these purposes in this decision.
7. By consequence of that situation, 'Class Q' permitted development rights for the conversion of agricultural buildings to dwellinghouses in certain circumstances do not apply.² In a similar vein to the provisions of the development plan set out above, the NPPF strikes a balance between enabling development that will enhance or maintain the vitality of rural communities, actively managing patterns of growth in support of sustainable modes of transport, and recognising the intrinsic character of the countryside.³ Those objectives effectively reflect the aims of LP strategies 1 and 7. NPPF paragraph 172 sets out how 'great weight' should be given to conserving and enhancing landscape and scenic beauty in AONBs.
8. NPPF paragraph 79 sets out how planning should avoid enabling the development of isolated homes in the countryside other than in certain given circumstances. However reliance cannot be placed solely on proximity to

² Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

³ NPPF paragraphs 78, 102, 103 and 170.

settlement boundaries in establishing whether or not a location is 'isolated', accorded its ordinary meaning of 'far away from other places, buildings or people; remote'.⁴

9. In that context the barn is a relatively short distance away from Grange Farmhouse, the village cemetery, and the Council's officer report notes that there are around 25 dwellings within a radius of some 400m. Consequently, in my view, the appeal site cannot reasonably be termed 'isolated' with reference to NPPF paragraph 79. Nevertheless not all areas of the countryside are isolated; the terms are not one and the same thing. It may therefore, in theory, nevertheless be the case that a site in the countryside would be an inappropriate location for development.

Main issues

10. Against the background above, the main issues are (i) the effect of the proposal on landscape character, (ii) the effect of the proposal in terms of generating private vehicular use and associated emissions on account of the location and accessibility of the appeal site, and (iii) whether or not the scheme is tantamount to the creation of a new dwelling in the countryside.

Reasons

The site

11. The appeal site amounts to around 0.25ha of land enclosed by established hedgerows. It includes a substantial steel portal barn and some land around it. In part that land is given over to a floodlit equestrian arena. Access is via Venn Ottery Road (C219) a field over from the cemetery. The site is some 500m or so northwards of the settlement boundary for the larger village of Newton Poppleford (as it is defined in LP strategy 27).⁵
12. The appeal site is within the same ownership as Grange Farm. However it is separated from Grange Farmhouse by the garden to that property and some intervening land (which includes paddocks and stabling). Grange Farmhouse, I understand, was allowed at appeal made in 1987, with the original agricultural tie subsequently removed in 1998.⁶
13. I am told that the barn was also built around 1987 for housing pigs, likely also the date at which the utilitarian silo by the south-eastern corner of the barn was put in place. It is therefore of relatively modern standardised construction with profiled sheeting above blockwork courses set on a concrete slab, with a large opening facing towards the Farmhouse. The barn is evidently in a good state of repair, as is noted in the Structural Inspection report.⁷
14. I understand that, at some point, the use of the barn changed to the storage of packaging and machinery associated with market gardening at Grange Farm as opposed to for livestock. The appellant further explains that since 'around the mid-1990s' the Farm's land has been let to others for short term grazing, representing the end of any active agricultural use to the barn.

⁴ Braintree District Council v SSCLG & Ors [2017] EWHC 2743 (Admin), the subsequent Court of Appeal judgment of 28 March 2018, and Dartford BC v SoS & Ors [2017] EWCA Civ. 141.

⁵ Albeit a figure of around 660m is given in the Design Statement.

⁶ Ref APP/W1105/A/87/080145/P3 and 98/P1685 respectively.

⁷ Prepared by Simon Bastone Associates Ltd., dated 9 July 2019.

15. Unsuccessful applications were made in 1995 and 1997 for alternative commercial uses.⁸ Since then the barn has been used for the storage of a miscellany of domestic, equestrian and other items associated with the holding. In that context, I am told that for 'some time' the appeal site has ceased to be part of an agricultural holding or enterprise.⁹
16. The Council's position in respect of LP policy D8, criterion a) is that 'while the lack of demand has not been proven [for agricultural use of the barn] on balance this is not considered to be a deciding factor'. A representation before me similarly notes that there is no evidence of what efforts have been taken to secure a renewed agricultural use to the barn. I accept, being a sound, modern agricultural building that the barn could serve an agricultural function similar to that which it was designed for, and that there is no evidence of any marketing of the barn in that respect.
17. However the barn is no longer part of an agricultural enterprise. It has not been actively used for agriculture for around 25 years. There have evidently been previous attempts in 1995 and 1997 to put the barn to some form of more productive use, albeit that both were unsuccessful. Given the tendency towards larger more efficient agricultural holdings, demand for off lying agricultural buildings with little land or direct connection to agricultural fields is likely limited. Although capable of continuing to function as an agricultural building, given the above and with regard to the terms of policy D8 criterion b), on balance it has been established that the barn is no longer required for agriculture or diversification purposes.

The proposal

18. As shown on plan 19036 PL102, the proposal is to create a dwelling with accommodation arranged over two storeys, retaining the simple rectangular form of the existing barn. The Structural Inspection report and follow-up clarificatory note, although on occasion using phrasing that may indicate potential approaches to conversion rather than a definitive proposition, set out that existing structural elements would be retained (as could be secured via appropriately worded condition). The Structural Inspection report also indicates that the barn is fit, structurally, to be converted ultimately to comply with the relevant provisions of Building Regulations 2010 as amended Approved Document A: Structure (September 2013).
19. The Council refer, however, to the starting point for the proposal as the use only of a 'skeletal structure'. That is as a proportion of the blockwork wall would be altered, external materials changed, and various new windows and door openings created. Insulation to ensure appropriate thermal performance and domestic internal finishes are also proposed.¹⁰ A first floor is proposed, which could be constructed by use of an independent secondary structure as opposed to adding additional loading to the existing steel framework. Site hedgerows would be maintained, some additional planting is proposed, as is removing the artificial arena (plan 19036 PL101 A).

⁸ Ref 95/P1155 and 97/P1516.

⁹ Appellant statement of case, paragraph 2.3.

¹⁰ Albeit that the structural report indicates that some additional rigidity may be needed to preserve brittle internal finishes, which are sensitive to deflection in a way that utilitarian agricultural buildings are not.

Effect on landscape character

20. As set out above, the appeal site is accessed off Venn Ottery Road (C219). In large part the C219 has the character of a rural lane, being relatively narrow and enclosed. The appeal site falls within National landscape character area 148, Devon Redlands, within local landscape character type 3B 'lower rolling farmed and settled valley slopes'.¹¹ Both documents aptly describe how the area is predominantly characterised by an irregular mosaic of agricultural fields interspersed with patches of woodland, and a gently undulating landscape. The rural surroundings of the appeal site are essentially consistent with those characteristics.
21. However the appeal site is visually contained on account of being relatively level and enclosed by established hedges. In character, on account of its enclosure, the barn, and partially domestic nature, the site is somewhat at odds with the prevailing rural setting as described above. Broadly, the topography rises from the site towards the north, west and south-west, serving to obscure longer-range visibility from those directions. Consequently the barn is only readily apparent in glimpsed views above hedgerows when proceeding northwards away from Newton Poppleford, and then only partially. Aside from along Venn Ottery Road I was unable to identify other public vantage points from which the appeal site is readily appreciable, in part on account of the relative paucity of rural rights of way in this location.
22. Under section 82 of the Countryside and Rights of Way Act 2000 as amended, AONBs are established for the purpose of conserving and enhancing the natural beauty of the area.¹² LP strategy 46, criterion 1., sets out that development will only be permitted where it 'conserves and enhances the landscape character of the area'. NPPF paragraph 170 sets out how 'great weight' should be given to conserving and enhancing landscape and scenic beauty in AONBs. Policy P1 of the AONB Management Plan 2019-24, the 'Partnership Plan', similarly seeks to ensure that development is compatible with landscape character.¹³
23. In theory, at least, a proposal with a neutral effect would conserve landscape character. To require that all development must enhance natural beauty would effectively rule out most development, for example where no ability to enrich landscape character exists relative to the modest nature of a scheme. Similarly, to require that all development enhances AONB character sits awkwardly with NPPF paragraph 172, which notes how the scale and extent of development within AONBs should be limited. Further, LP strategy 46, criterion 2. is that development must not 'undermine landscape quality', not that it must improve upon it. In that context, in my view, were the proposal to have a neutral effect, no conflict would arise with LP strategy 46 or NPPF paragraph 170.
24. The appellant contends, however, that the proposal would have a positive effect on landscape character. That is principally on the basis that the existing silo would be removed, the equestrian area replaced (presumably with more organic or informal outside space), meaning floodlighting would no longer be required. However the silo, and present functional character of the barn, are not incongruous in a rural setting. The former, being a modest structure far

¹¹ Natural England 2013, Devon County Council March 2019.

¹² A purpose to which I must have regard by virtue of section 85 of that legislation.

¹³ Notably in key objective 2.3.

smaller than the barn, is barely appreciable. There is no indication either as to whether or not the arena and floodlighting are authorised, for example via a certificate of lawful development in that regard.¹⁴ Moreover the arena has little effect on landscape character, being set relatively low in the topography compared to neighbouring fields and screened by surrounding hedges. Residential use will likely result in some degree of light spill also.

25. As such, although arrived at independently, I am similarly of the view as the Council, that in respect of landscape character the proposal would have a neutral effect. The site is highly self-contained and has little significance in terms of AONB character. The proposal would inevitably result in some change, including to the character of the barn itself. However the sensitive use of dark stained timber, zinc or similar-coloured cladding, and brick slips would to some extent soften the present utilitarian form of the building, thereby assisting its assimilation with its surroundings. Therefore, following my reasoning above, I conclude that the proposal would be acceptable in terms of character and integrate appropriately with its surroundings in line with the relevant provisions of LP strategy 46, LP policy D8 and NPPF paragraph 170.

Location and accessibility

26. A 2014 appeal for the erection of a new dwelling on land north of Grange Farm has been brought to my attention as regards the suitability of this location for residential development.¹⁵ The Inspector in that instance reasoned that there were only 'limited facilities' in Newton Poppleford, many of which he considered not to be readily accessible by walking, noting the absence of public transport provision here.
27. As set out above the C219 has, in large part, the character of a rural lane. It is relatively narrow in places without a dedicated footway, is enclosed by hedgebanks, and is in part without street lighting. The nearest facilities in the Village, including a pub, shop and playing field, are central to it rather than towards the northern periphery of its built form, a kilometre or so away. In that context that the proposal would result in some reliance on private vehicular use, particularly outside of daylight hours, during inclement weather, or simply for convenience.
28. The appellant has cited various publications and guidance, both extant and superseded, which suggest that the upper threshold of convenient walking distances is between 800m and 2 kilometres.¹⁶ Whilst distance alone is not determinative of accessibility, the walking or cycling distance between the appeal site is relatively short for the periphery of a rural village and comparable to that which must be taken from various properties nearby. NPPF paragraph 103 recognises that opportunities to maximise sustainable transport solutions will inherently vary between urban and rural areas.
29. Furthermore LP policy D8, criterion c) seeks to ensure that rural buildings conversions are 'located close' to a range of accessible services and facilities. That is in contrast to the policy context for housing *ex nihilo* as was proposed

¹⁴ Planning Statement section 2.11 explains that they have simply come about over time.

¹⁵ APP/U1105/A/2223795.

¹⁶ The Government's extant Manual for Streets (2007), the Institute of Highways and Transportation's guidance document entitled 'Providing for Journeys on Foot' (2000), the Chartered Institute of Highways and Transportation publication 'Planning for Walking' (2015) and superseded Planning Policy Guidance 13 (amended 2011).

via the 2014 appeal cited above. The 2014 appeal also pre-dated the adoption of the LP, in respect of which larger villages are stated in strategy 27 to benefit from 'a range of accessible services and facilities to meet many of the everyday needs of local residents'. Moreover the appeal site in this case is notably closer to the settlement boundary than the location of the 2014 appeal.

30. Furthermore, regardless of the factors that have led to the barn being little used for the past few decades, any more intensive use here would result in a greater level of vehicular movements (agricultural or otherwise). Summarising the above, future occupants of the proposed dwelling would likely rely on the use of private vehicles to some extent. However that uplift would be modest in respect of a single dwelling. Those trips would arise in a location which is not unduly separated from Newton Poppleford, particularly compared with the number of other properties within close proximity to the appeal site. Considering any more intensive use of the barn, such impacts would be negligible.
31. For the above reasons I therefore conclude that the proposal would be acceptable with regard to private vehicular use generation taking account of the location and accessibility of the appeal site, and that consequently no conflict arises with the relevant provisions of LP policy D8, criterion c), policy TC2 or with the relevant provisions of PPF paragraphs 102 and 103.

Whether or not the scheme is tantamount to the creation of a new dwelling

32. The extent of works referenced in paragraphs 18 and 19 of this decision may fairly be described as 'substantial' alteration within the terms of LP policy D8, criterion 2. However the overall form of the existing barn would be retained, and its structure incorporated as part of the development proposed. LP policy D8 does not apply only to specific types of barns, for example those with some historic interest. Whilst Class Q permitted development rights do not apply here, nevertheless permissible building operations under Class Q include the installation or replacement of windows, doors, roofs or exterior walls.¹⁷
33. The appellant's Design Statement sets out an alternative approach whereby the barn could be converted via less extensive changes, and the appellant notes that various internal and external alterations may not need consent (such as altering existing profiled sheeting). Whilst the Council contends such an approach represents a hypothetical scenario, in my view that is nevertheless more than a theoretical prospect. A more limited or alternatively designed scheme, for example one where existing external surfaces were retained and altered to a lesser degree, would evidently achieve substantively the same objective as the development proposed. Moreover, returning to LP policy D8, criterion 2) the requirement is that a building is 'capable of conversion' without the need for substantial alteration, not necessarily that a particular scheme would fall within that definition.
34. Furthermore in the policy context section to this decision, I have set out how LP strategy 7 and policy D8 act in consort with the overarching objectives of the LP in seeking to promote sustainable patterns of development and to ensure that all proposals integrate appropriately with the character of their

¹⁷ PPG Reference ID: 13-105-20180615 also sets out that it may be appropriate in the context of Class Q permitted development rights to include allowing for a new floor or mezzanine internally.

surroundings. I have reasoned in the first and second main issue that the proposal would not conflict with those objectives. Therefore, notwithstanding the significance of the works proposed, I conclude that the proposal is not tantamount to the creation of a new dwelling in the countryside. The proposal may therefore reasonably be described as for conversion of a rural building in compliance with LP policy D8 and the aims that policy seeks to achieve.

Other matters

Ecological integrity

35. The appeal site falls just beyond the 400m exclusion zone around the East Devon Pebblebed Heaths Special Area of Conservation and Special Protection Area ('SAC', 'SPA'), an extensive tract of lowland heath as set out in the South-East Devon European Site Mitigation Strategy (April 2014). The SAC and SPA are protected via the Habitats and Birds Directive,¹⁸ the former incorporated into domestic statute via the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'). I am statutorily required to take appropriate steps to conserve biodiversity.¹⁹
36. The SAC and SPA are designated in order to safeguard ecology and the habitat upon which various species are reliant, notably in this instance the Southern Damselfly, Nightjar, and Dartford Warbler. Ecology can be disturbed by recreational activities, predation from domestic pets, and from habitats being unavailable from time to time by consequence. Whilst not a precise correlation, the potential for adverse effects increases with the number of dwellings nearby, including within a wide zone of influence (and therefore the aggregate, or in-combination, implications of a number of smaller developments may be significant). Habitats Regulation 63(1) states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'.²⁰ I have sought to apply that requirement reasonably and proportionately relative to the nature and context of the development proposed.
37. In the abstract avoidance or mitigation of effects resulting from increased residential development would be achieved by the provision of alternative greenspace, to redirect those who would have made use of the Pebblebed Heaths recreationally, and via associated monitoring and management arrangements. The contributions that individual schemes are expected to make in that context are established at a strategic level,²¹ such that a proportionate contribution is made in each instance (the former being funded by Community Infrastructure Levy receipts). The proposal is supported by an associated contribution of £190 towards ecological monitoring and management arrangements in that context, consistent with the Council's approach.²²
38. Paragraphs 14.10, 14.23 and 14.25 of the Mitigation Strategy indicate the approach that it establishes towards ecological mitigation has been arrived at in conjunction with Natural England, the appropriate nature conservation body

¹⁸ 92/43/EEC, 79/409/EEC.

¹⁹ Section 28(G) of the Wildlife and Countryside Act 1981, section 40 of the Natural Environment and Rural Communities Act 2000 as amended.

²⁰ With reference to recent case law: *People Over Wind and Sweetman v Coillte Teoranta*, Environment – Conservation of natural habitats [2018] EUECJ C-323/17,

²¹ The latest schedule being approved by Council in August 2019.

²² Under Section 111 of the Local Government Act 1972 as amended, dated 28 August 2019.

under Regulation 63(3).²³ Consequently, subject to appropriate financial contributions being made, I am satisfied that likely significant effects to the ecological integrity of the SAC and SPA would be avoided. Turning to the site specifically, although the proposal would result in an increased intensity of use, as set out above existing hedgerows would be retained and new planting is proposed.

39. The proposal is further supported by a Preliminary Ecological Appraisal and Protected Species Survey.²⁴ Both conclude that the barn has low potential suitability for roosting bats with no direct evidence of such use, albeit that there is indication of use by nesting house sparrows. On that basis, subject to adherence to the recommendations in the Protected Species Survey, and given the parallel protections in the Wildlife and Countryside Act 1981 regarding avoiding disturbance to nesting birds, unacceptable effects to ecology would arise neither directly nor indirectly by consequence of the development proposed. I am therefore satisfied that the proposal would suitably safeguard ecological integrity. No conflict therefore arises in respect of the relevant provisions of LP strategies 47 or 50, or of NPPF paragraph 170.

Local representations

40. In addition to the matters considered above I have taken careful account of the concerns raised in representations by the Parish Council and Councillor Ranger regarding the availability of other properties nearby, that the proposal would adversely affect highway safety, and that allowing the appeal would undermine the integrity of the planning system. Whilst I acknowledge that there may be other properties available at Newton Poppleford, and I am told there is also a garage at Grange Farm with accommodation above, as I have found no conflict with the relevant provisions of the development plan those matters are by-the-by (there is no necessity to weigh any countervailing benefits against any planning harm).²⁵ Although access arrangements may not meet modern visibility standards, access as it stands is authorised and any greater intensity of use here would result in some additional level of vehicular movements. There is no indication that the C219 here is a particular cause for concern in terms of highway safety.
41. I acknowledge concerns that the creation of agricultural buildings may appear a Trojan horse for different uses in time, and that there is a lack of clarity as to whether or not the existing arena and floodlighting are authorised. However individuals' motivation behind undertaking development and whether a particular scheme would be acceptable are separate issues. As set out above, based on the evidence before me the barn in this instance was created and used for an agricultural purpose. Given its particular nature and situation there is little prospect of its re-use for such. Moreover, in respect of the first main issue, I have effectively reasoned that the proposal would have a neutral effect on landscape character, rather than the removal of the arena or floodlighting weighing positively in favour of the scheme. Consequently no other matters are of sufficient weight to alter my reasoning regarding the overall acceptability of the proposal.

²³ As reiterated in a Council note regarding ecological effects submitted at examination.

²⁴ Undertaken by Devon Wildlife Consultants and by JG Ecological Surveys Ltd. respectively, both in 2019.

²⁵ Which equally is the case of any personal circumstances, and in terms of the bearing of planning permissions Ref 14/2622/FUL, 17/1492/FUL and 18/2772/FUL and appeal Ref APP/U1105/W/19/3234774.

Conclusion

42. For the above reasons, having considered the development plan as a whole, the approach in the NPPF and all other relevant considerations, I conclude that the appeal should be allowed subject to the conditions below.

Conditions

43. In addition to securing commencement within the relevant statutory period, I have imposed conditions requiring compliance with the supporting plans, that agreed external materials are used, that a landscaping scheme is implemented, and that technical details as to how existing structural elements of the barn would be retained and incorporated into the development proposed are agreed. Those conditions are necessary to ensure that the scheme is implemented as assessed above, and integrates appropriately with local character and appearance with regard to the relevant provisions of LP policy D8 and strategy 46 (conditions 1-5). Requiring details of herbaceous plants as part of the landscaping scheme, as suggested by the Council, is unnecessary given that such planting would have no meaningful effect on character. Notwithstanding the parallel provisions of the Buildings Regulations 2010 as amended and the Wildlife and Countryside Act 1981 as amended, conditions requiring that an agreed surface water drainage scheme and ecologically sensitive approach undertaken are also necessary with regard to the provisions of LP policies EN22 and EN5.
44. Conditions 5 and 6 must necessarily apply before any development is undertaken to ensure that structural elements of the existing barn are incorporated into the proposal and that appropriate drainage provision is made before the site's characteristics are affected. In imposing conditions I have had regard to the tests in the NPPF, the PPG and relevant statutory requirements.²⁶ The appellant does not contend that any of the conditions proposed by the Council would fail to meet the relevant tests in NPPF paragraph 55, nor has she objected to the terms of condition 5 and 6 (with regard to section 100ZA of the Town and Country Planning Act 1990 as amended). Given that I have set out above how the proposal complies with LP policy D8 and the provisions of condition 2, I am not of the view that imposing condition 5 would lead to any imprecision in terms of what is permissible. I have also amended certain conditions proposed by the Council without altering their fundamental aims.

Thomas Bristow

INSPECTOR

²⁶ Including paragraph 206 of the Framework, Guidance Reference ID: 21a-004-20140306, Article 35(1)(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

SCHEDULE OF CONDITIONS

- 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 approved plans '19036 PL101 A' and '19036 PL102'.
- 3) Notwithstanding condition 2, no development hereby permitted above foundation level (other than demolition) shall take place until samples of the external materials to be used have been submitted to and agreed in writing by the local planning authority. External materials shall be installed as agreed, and thereafter retained.
- 4) The dwelling hereby permitted shall not be occupied until a landscaping scheme has been submitted to and agreed in writing by the local planning authority. The landscaping scheme shall include details of planting (trees, hedges, shrubs and areas to be grassed) and of boundary features (any walls, fences or other boundary treatments). The agreed landscaping scheme shall be carried out in the first planting season after the commencement of the development hereby permitted and maintained for a period of five years. Any specimens that, within a period of five years after implementation, are removed, die or become seriously damaged or defective shall be replaced during the next planting season with others of similar species, size and number as originally agreed.
- 5) Notwithstanding condition 2, no development hereby permitted shall take place until a schedule of works and structural drawings have been submitted to and agreed in writing by the local planning authority based on section 4.0 of the Design Statement prepared by the Bazeley Partnership, v.2, dated January 2020. Those works and structural drawings shall demonstrate how existing structural elements of the barn would be retained and incorporated into the development hereby permitted.
- 6) No development hereby permitted shall take place until a surface water drainage scheme has been submitted to and agreed in writing by the local planning authority. Unless that scheme demonstrates that it is unfeasible to do so, appropriate sustainable urban drainage systems shall be incorporated. The drainage scheme shall also be designed to ensure that there is no increase in the rate of surface water run-off from the site. The agreed scheme shall be implemented before the dwelling hereby permitted is occupied and retained thereafter.
- 7) The development hereby permitted shall be carried out in accordance with the recommendations of the Bat Visual Inspection and Emergence and Breeding Bird Survey prepared by JG Ecological Services Ltd., dated July 2019 (project number 190030).