The Planning Inspectorate

Appeal Decision

Hearing held on 9 and 10 July 2020
Site visit made on 10 July 2020

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2020

Appeal Ref: APP/A1910/W/19/3239104
Site Of Smallgrove Farm, Windmill Road, Pepperstock LU1 4LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Christopher Pugh against Dacorum Borough Council.
- The application Ref 4/01287/19/FUL, is dated 24 May 2019.
- The development proposed is described as Change of classification from 1 house with 2 self contained residential use areas to 3 separate dwelling units, removal of chimney stack, addition of roof window and basement fire escapes, internal layout changes, clearly defined use class for all buildings.

Decision

1. The appeal is allowed, and planning permission is granted for conversion of existing dwelling into three new dwellings, and internal layout changes at the Site Of Smallgrove Farm, Windmill Road, Pepperstock LU1 4LQ in accordance with the terms of application Ref: 4/01287/FUL dated 24 May 2019, subject to the conditions set out in the attached schedule.

Background

2. The appeal site once accommodated a complex of Grade II listed farm buildings in a courtyard arrangement. Following a fire in 1996 and partial demolition in around 1998 they were de-listed. Planning permission was granted (Ref 4/00995/12/FUL) to replicate a substantial part of the original courtyard layout, with a reduced footprint of buildings across the site (herein the 2012 permission). The operational development for the 2012 permission is mostly complete. It includes a main farmhouse and other ancillary or annexe residential accommodation, together with offices, stables and agricultural machinery storage. A section 106 agreement dated 24 October 2013 (herein the legal agreement) requires the main dwelling shall only be occupied by a person or persons employed or last employed in agriculture.

3. The development subject of the appeal proposes (amongst other things) a conversion of the approved farmhouse and annex accommodation to three independent dwellings and external alterations such as the removal of two chimneys, provision of a basement fire escape, and internal alterations to increase the amount of office accommodation.

Procedural Matters

4. The appeal has been submitted due to the failure of the Council to give notice of its decision within the prescribed time period. There has been no clarification from the Council on the decision it would have made, if this appeal had not been submitted. However, the Council has provided an appeal statement setting out its main concerns. These concerns have been taken into account in considering the main issues.

5. The description of the development in the banner heading above is taken from the original planning application form. In the Statement of Common Ground (SoCG) the parties agreed a revised description of '*Conversion of existing dwelling into three new dwellings. Internal layout changes*'. Subject to a grammatical amendment, I have considered the appeal on the basis of this description.

6. The development subject of this planning application has already commenced, which was apparent from my site visit. I have considered the appeal on this basis. The parties agreed that due to the limited nature of the differences in operational development between the 2012 permission and the appeal proposal, the 2012 permission remains available as a fallback position. Based upon the information and evidence before me, I see no reason to disagree.

7. There are three other current planning appeals relating to part of the appeal site (Refs APP/A1910/C/19/3226323, APP/A1910/C/19/3226324 and APP/A1910/C/19/3226325). They all relate to the same Enforcement Notice (EN) issued on 11 March 2019. They remain undetermined at the present time. The ENs allege unauthorised engineering works, that are understood to include excavation arisings from the works to construct the appeal site buildings, which may include contaminated material. That material is also understood to be the subject of outstanding requirements of a remediation scheme attached to the 2012 permission. I shall return to this matter later.

8. At the hearing the Council made me aware of a new draft local plan, however, they were unable to provide its relevant policies. The Council advised me that the approach to the Green Belt was likely to remain the same as in the present policies.

9. The Council's initial publicity for the hearing did not set out the information required of it by the Secretary of State, under Rule 7(5) of the Town & County Planning (Hearings Procedure) (England) Rules 2000 (2000 No. 1626). It omitted the correct time and how to engage in the hearing as a virtual event. The Council sent out a subsequent letter which provided the necessary information but did not give the specified notice period in advance of the event. Following discussion with the parties I am satisfied that, having regard to the nature and content of representations, proceeding with the hearing did not result in a significant risk that an interested party would be prejudiced because they did not know about the event.

Main Issues

10. The main issues are:

- whether or not the development is inappropriate development in the Green Belt;

- whether the development would be in a suitable location, having regard to the accessibility of services and facilities;
- whether the development can provide suitable living conditions for future occupiers with particular reference to noise and disturbance;
- whether the development would result in the loss of a rural worker's dwelling; and,
- if the development is inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

11. The appeal site is located within the Metropolitan Green Belt. Paragraph 143 of the National Planning Policy Framework (February 2019) (the Framework) indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The parties agree the development comprises the re-use of buildings of permanent and substantial construction. This is not inappropriate development under paragraph 146 (d), provided that the development preserves openness and does not conflict with the purposes of including land within it.

12. Paragraph 134 of the Framework sets out five purposes of the Green Belt. The Council is of the view the development conflicts with paragraph 134(c) which states that one purpose is to assist in safeguarding the countryside from encroachment. The Council's view is due to the increase in dwellings and office space which would not be for agricultural use. The parties set out differing views of the number of dwellings and uses permitted at the appeal site, based upon different plans and documents associated with the 2012 permission.

13. The appellant is of the view the main dwelling is 'Farmhouse 3' on Plan 2 of the legal agreement and the buildings labelled 'Farmhouse' and 'Farmhouse Use' are two separate annex areas, capable of occupation by the appellant's family. Notwithstanding the appellant's concerns in respect of differences between the draft and engrossed version of the legal agreement, it is signed and engrossed and covenant 3.1.2 only refers to an 'annex'. Additionally, Farmhouse 3 and Farmhouse do not appear separated by an internal wall on Plan 2.

14. Approved plan/drawing 2555/08 Rev D provides a detailed floor plan that shows Farmhouse and Farmhouse 3 as one large dwelling with 5 bedrooms and one kitchen. Approved plan/drawing 2555/12 Rev B shows the area listed as Farmhouse Use as two separate en-suite bedrooms. These plans are the approved plans listed in condition 18 of the 2012 planning permission. I agree with the Council, that these show the approved accommodation. Therefore, the development increases the number of residences from 2 to 3, and overall bedrooms from 7 to 10.

15. The appeal proposal increases office space within an existing building. It is accommodated by reducing the size of related kitchen, toilet and storage facilities. Covenant 3.1.4 of the legal agreement states the use is set out in the planning application and on plan 1 and plan 2 of the agreement. The plans

show them each as 'office'. I do not have all the application documents before me. The business plan (April 2011) accompanying the 2012 application refers to one space to be used as a farm office but that is smaller than the approved office areas. The plan in the business plan, however, does not show the correct layout.

16. Condition 3 of the 2012 permission requires the buildings in the Proposed Layout Plan shall only be for their approved purposes. However, none of the plans before me appear to be titled as such. The description to development of the 2012 permission is not conclusive. Therefore, based upon the evidence before me, the two 'office' areas are not restricted for a use ancillary to the agricultural business. The appeal development would increase the amount of B1 office space, and it would conflict with the purposes of including land within the Green Belt.

17. Policy CS5 of the Dacorum Borough Core Strategy (September 2013) (the Core Strategy) is consistent with the Framework in so far as it requires the application of national Green Belt policy. This part of the policy attracts full weight. However, in requiring small-scale development to have no significant impact on the character and appearance of the countryside and support the rural economy and maintenance of the wider countryside, criteria d) of CS5 sets a higher bar than the Framework. This reduces the weight I give that part of the policy.

18. Paragraph 145 of the Framework states the construction of new buildings should be regarded as inappropriate unless they are a type of building identified under a list of exceptions. Given the term 'building' can include any structure or erection, the walling and fencing (enclosures) can be considered buildings. As they would enclose some non-agricultural buildings, they would not fall under the list of exceptions in the Framework. Most would also be located on previously developed land. My findings on the effect on Green Belt openness, will therefore determine whether or not the fencing is inappropriate.

19. The parties agreed to the imposition of a condition to ensure that the proposed enclosures would be no greater in linear meters to those approved in the 2012 development. Given their function and the proposal layout, it is likely that they would be similar in height and location to those previously approved. Overall, I am satisfied that they would be likely have a neutral effect upon openness. In addition, of the physical difference to the main buildings, the basement steps and void are the largest physical element, although most of it is below ground level. The two chimneys to be removed appear collectively smaller but are visually prominent. On balance, taking into account the visual and spatial effects of the changes to the main buildings, they have an overall neutral effect on the Green Belt.

20. However, in considering paragraph 146(d) of the Framework and whether the scheme would preserve openness in its entirety, the increased number of private residences and bedrooms would be likely to increase the number of households, occupiers and groups of occupiers at the site. This is likely to result in reduced dependence on shared travel. It would be likely to result in an increase in the number vehicle movements and associated vehicular parking. It could include comings and goings by private cars, the delivery of purchases and social visitors. Such movements would also be likely to be increased further by the increased office space. It is understood that each

dwelling would benefit from and outdoor amenity space. Three households would be likely to result in increased residential paraphernalia such as garden sheds/refuse storage areas and associated domestic activity. Having regard to the scale and nature of increases, the impact from such activities would be small, but still result in a negative impact upon openness.

21. Therefore, the development would result in suburbanisation of the appeal site and a greater impact on openness, both in spatial and visual terms. The development is therefore inappropriate development in the Green Belt. In this regard, it would conflict with Policy CS5 of the Core Strategy and the Framework in so far as it states that inappropriate development is, by definition, harmful to the Green Belt. The Framework advises that substantial weight should be given to any harm to the Green Belt.

Services and facilities

22. The appeal site is located approximately 1.2km to the south of the nearest villages of Pepperstock and Slip End and 1.4km to the east of Markyate. The nearest schools are at Slip End and Markyate. There is understood to be a farm shop type business and a bus stop around 750m away, although by the appellant's admission many goods can and are delivered to the appeal site. Approximately 750m would be walkable or cyclable by those of an adequate level of fitness and competence. However, the roads outside the appeal site (e.g. Windmill Road and Pepsal End Lane) appeared single track national speed limit unlit roads with limited verges for refuge to pedestrians or cyclists.

23. Markyate is a large village with only a limited number of facilities necessary for day to day living (e.g. a hairdresser, takeaways, a small store, pubs and a primary school). For many professional services, clothes shopping, medical facilities and wider employment and educational opportunities, prospective residents would be dependent upon Harpenden and Luton. These are in excess of 3km away. Given the nature of the highways and distances, journeys to these centres would not be likely to be particularly attractive for pedestrians or cyclists, even for those confident and fit enough to manage the journey.

24. Although the appellant suggested there are some local bus services, I have not been provided with the nearest stopping points, duration and frequency of journeys. It is likely that occupiers would tend to rely upon a motor vehicle for journeys to the majority of services and facilities. This would add up to a significant number of vehicular miles per year. While this is not necessarily unusual in rural locations, it would nevertheless be in conflict with paragraphs 102 and 108 of the Framework which encourages development to take place where the fullest use of walking, cycling and public transport can be made.

Living conditions

25. Paragraph 182 of the Framework requires decisions ensure development can be integrated effectively with existing businesses and facilities. Such facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or facility could have a significant adverse effect on new development in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed. Whilst the original farm pre-existed the shooting club, there was a significant break in occupancy of the site, and the approved development does not pre-exist the club.

26. The shooting ground premises lies approximately 350m to the north west of the appeal site. Although the residential dwellings would not occupy a greater amount of overall floorspace, the development would increase the number of dwellings and therefore receptors in close proximity to the appeal site. Although the appellant explained the main shooting area is around 700m from the appeal site, there were no plans before me that defined areas or zones within the ground, where shooting either can or cannot take place.

27. The appellant's assessment suggests that shots from the ground raise noise levels by between 0.8 dB – 1.9 dB above the ambient noise levels, resulting in external noise levels of between 46 – 49 dB. However, these were not taken from noise monitoring equipment of a sufficient specification and accuracy. Furthermore, the Council suggested that for such noise assessments background noise levels are the correct parameter and not the ambient levels.

28. Over the duration of my visit, several loud shots were being fired at short intervals. At that time the wind appeared to be coming from the direction of the shooting ground. Notwithstanding the appeal site being above the valley in which the shooting ground is located, the intervening tree cover, the background noise environment (including proximity to the M1), and the insulative properties of the building, the noise levels at my visit were loud and frequent and likely to result in some harmful living conditions for future occupiers. The number of annual events of the intensity I witnessed (or of a greater intensity) is not clear, neither are the restrictions for such events.

29. The Council advised that a noise assessment submitted with an application for residential development at an albeit closer property (known as Doon Brae) had found noise levels of 62 dB. By the Council's estimation similar conditions would result in noise levels of around 58 dB at the appeal site. This did not appear unrealistic. Based upon the findings and mitigation measures in that scheme, this development could be made acceptable.

30. Therefore, subject to the imposition of a suitable planning condition to provide the necessary noise assessment and mitigation measures, the development could be made compliant with paragraph 182 of the Framework. I am satisfied that such a condition as put forward and discussed at the hearing meets the six tests set out in paragraph 003 Reference ID: 21a-003-20190723 of the National Planning Practice Guidance.

Loss of an agricultural dwelling

31. The July 2011 business plan (accompanying the 2012 application) provided the Council with sufficient justification to conclude the development met Local Plan policies in respect of replacement dwellings in the Green Belt and demonstrated very special circumstances. This was subject to a restricting the dwelling to that of an agricultural worker. The Council advised that there are different policies relevant to the current proposal.

32. There is no planning condition restricting the occupation of the dwelling to a rural worker. The restriction is set out in clause 3.1.3 of the legal agreement. It requires the approved single dwelling shall be only occupied by a person or persons employed in agriculture. However, it does not require the person has to be solely or mainly employed in agriculture. Therefore, to meet the requirements of the obligation a minimal level of employment in agriculture would be necessary. Furthermore, there does not appear to be a geographical

restriction. Therefore, the development would not result in the loss of a rural worker's dwelling.

33. I note the Council's desire for, and perceived benefits of, an agricultural occupancy restriction, including compliance with Policy CS5(ii) of the Core Strategy and the three tenets of sustainable development set out in the Framework. There is no firm evidence before me that such properties are in short supply in the local area, although it would have contributed to the overall stock. However, the wording of the suggested condition would impose a considerably greater restriction than set out in the extant planning obligation. The requirements of CS5(ii) also appear to set a higher bar than the Framework and so conflicts with Green Belt policy in the Framework. The Council suggested that without the agricultural tie the development would not be fully compliant with paragraph 79 of the Framework. However, 79 (d) does in principle permit the subdivision of existing dwellings.

Other considerations

34. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The development would result in inappropriate development within the Green Belt resulting in a loss of openness. While the loss would be limited in the context of the Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm to the Green Belt.

35. There is planning permission for an existing approved development that is substantially complete and has already provided a benefit to the openness of the Green Belt, through reducing overall built development by approximately 270 sqm.

36. Special circumstances highlighted by the appellant relate to the viability of the development. The appellant considers the approved development is not viable in its current form and the development may not be delivered. This is principally because the occupancy restriction constrains the ability to raise finance to complete the development. It is contended the appellant is subject to considerable interest payments and restricted in the loan to value ratio because of the presence of the occupancy restriction. The appellant's valuation report suggests an initial interest rate of 10.5% and a reduced rate of 6.5%. It also suggests a value in excess of £3,200,000. However, the projected profit from the farm business would only be around £25,000 per year. These all raise significant doubts as to the viability of the approved development. There is no evidence before me to suggest the appellant's concerns are not well founded.

37. Without allowing this appeal development the future delivery of the original aims may not be delivered. This would prejudice the re-building of a historic farm complex that was home to the appellant's great grandmother before the fire, in traditional materials and vernacular that has had a significant standing in the local community, the heritage of the area. The Council agreed this is a benefit to the current development.

38. The requirement for a biodiversity management plan on the 2012 planning permission was considered to be a positive element of that proposed development. The nature of any approved scheme and its implementation is not before me. However, imposing the condition before me for this new development would ensure that the benefit would be carried forward.

39. The Council made it clear that it cannot deliver a 5 year housing land supply. However, the Council has been unable to confirm the level of the shortfall. The development would make a contribution to supply through the provision of an additional two dwellings. This attracts weight in favour of the development. The appellant considers this triggers the presumption in favour of sustainable development under paragraph 11d) of the Framework. However, the Green Belt is a protected area under footnote 6, so the tilted balance does not apply.

Other Matters

40. The parties agreed the development would not have an adverse impact on the character and appearance of the area. I see no reason to disagree. Therefore, the development does not conflict with Policy CS12 of the Core Strategy.

41. The Council's contaminated land adviser proposed detailed planning conditions to ensure that any contamination on the site is investigated and is dealt with in accordance with an approved remediation scheme. The 2012 permission was subject of similar conditions which have now been partly implemented as the site has mostly been developed. The material removed from the site is understood to be located on the land subject of the Enforcement Notices within the appeal site. Both the parties agreed it was necessary to impose a planning condition to secure the uncompleted part of the 2012 remediation scheme requirements. I have been provided with a planning condition to this effect. I am satisfied that the nature of the condition also would not prejudice the outcome of the EN appeals.

42. The Grade II* listed Bonners Farmhouse and Grade II listed Barn at Bonners are located opposite and east of the site access, approximately 85m north of the recently constructed farm buildings. The buildings derive their significance from their well-preserved historic architectural features such as their timber frames, steep red tiled roofs, doors, large chimney and casement windows. They also have value as a small group of buildings. Their wider landscape setting is considered to make a small contribution to their significance.

43. There is mature vegetation along Windmill Lane and surrounding the site access that provides a thick physical boundary and highly limits any inter-visibility between the designated heritage assets and the appeal site. The parties agreed that the proposed development would not adversely affect the setting of the heritage assets. I am satisfied that the topography of the land and vegetation and the minimal physical changes as a result of the development, means the development does not affect the setting or significance of the heritage assets.

Planning Balance

44. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The policies of the Framework are material considerations.

45. The appeal proposal amounts to inappropriate development and would result in harm to the openness of the Green Belt. This would conflict with Policy CS5 of the Core Strategy and the Framework. This attracts substantial weight. The development would not be well located in terms of access to services and facilities and would conflict with the Framework in this regard. This attracts

weight against the proposal. The development would have a neutral effect upon the character and appearance of the area, which attracts neutral weight.

46. There is an existing 2012 planning permission, to which I attribute significant weight. The development would result in the provision of two additional dwellings. The precise shortage of 5 year deliverable housing land supply is unclear, but even if it were very acute, it would be a moderate benefit which attracts moderate weight in favour of the scheme. The development would also result in the project having a greater viability. This would ensure the benefits to the historic environment and aims of the 2012 permission are fulfilled. These benefits attract significant weight in favour of the scheme.

47. In this case, I consider that the harm by reason of inappropriateness and the harm to the openness, are clearly outweighed by the other considerations I have identified. These amount to the very special circumstances necessary to justify the proposal.

Conditions

48. As the development is retrospective, it is not necessary to impose a condition in respect of commencement. It is necessary to specify a condition for compliance with the approved plans for the avoidance of doubt and because there are still significant construction works to be undertaken. A condition to assess noise and secure noise mitigation is necessary to ensure the development results in acceptable living conditions for the occupiers of the development hereby permitted. This should be secured within 3 months of the date of this decision to limit the duration over which any current occupiers may have to endure unsatisfactory living conditions.

49. A condition for the provision of a surface water drainage scheme is necessary to ensure that the site is subject to an adequate drainage system serving the development in accordance with Policy CS31 of the Core Strategy. The appellant has suggested this has not changed from the previously approved scheme. However, this is not before me. The Council proposed that surface water and noise mitigation shall be submitted prior to the commencement of the development, however, this is not possible as the development has already commenced.

50. Notwithstanding rights being limited within the appeal site, a condition is necessary to withdraw agricultural permitted development rights under Part 6 of the General Permitted Development Order (2015) in the interests of preserving the openness of the Green Belt.

51. Conditions to secure the completion remediation works for contaminated land are necessary to ensure the risks from contamination are addressed to prevent harm from pollution in accordance with Policy CS32 of the Core Strategy. The full findings in relation to the existing approved scheme are not before me. Therefore, in the interests human health this matter should be dealt with prior to the occupation of the proposed dwellings. The appellant considers suggested condition 6 is not necessary because it is a matter dealt with under the Environmental permitting regime. However, I have not been provided with the details of that permit, and furthermore, the condition as proposed relates to verifying the scheme approved under condition 5. Therefore, the condition meets the test of necessity.

52. The submission, approval and implementation of hard and soft landscaping schemes are necessary in the interests of the character and appearance of the area and the openness of the Green Belt. The appellant suggests that a previous planning condition in respect of a Biodiversity Management Plan was approved and discharged. However, any outstanding requirements would not be carried forward as part of this permission. Therefore, such a condition is necessary to ensure the development results in an overall benefit to biodiversity in accordance with Policy CS29 of the Core Strategy, paragraph 170 of the Framework, and as proposed in the 2012 development. I have omitted the reference to the site plan suggested by the Council, as the condition to which that plan related is no longer proposed.

53. Conditions 5 – 9 below may relate to land subject of extant enforcement notices. However, the conditions roll forward pre-existing outstanding requirements set out in the 2012 planning permission and are not considered to have a materially differing effect on the outcome of the EN appeals. The Highway Authority has suggested informatives in respect of the deposit of materials and obstruction of the highway. However, these matters are the subject of the 1980 Highways Act. Therefore, they are not necessary.

54. The parties agreed a condition to secure the submission of a business management plan for approval and implementation thereafter, in the SoCG and the Hearing. However, the previous development only required a minimal level of agricultural employment that would not have needed to have been at the premises, such that I have found the development would not result in the loss of an agricultural workers dwelling. Such a business plan condition would be unduly restrictive and could prevent the future diversification and evolution of the agricultural business. It would conflict with paragraph 83 of the Framework, which requires planning decisions should enable the development and diversification of agricultural businesses. Therefore, it would not be reasonable or necessary.

55. In the SoCG the parties also agreed the submission of a plan to define the specified uses of all of the buildings. However, the uses are already set out in the approved plans set out in condition 1. Therefore, this condition is not necessary. For the reasons I have set out in the decision letter above, I have not included the agricultural occupancy condition.

Conclusion

56. For the reasons set out above, and having regard to all the matters raised, I conclude that the appeal should be allowed, and planning permission is granted.

Dan Szymanski

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall be carried out in accordance with the following plans: 2035 L01; 2035 L04; 2035 L05; 2035 L06; 2035 L07; 2035 L11; 2035 L30; 2035 L31; 2035 L32; 2035 L33; 2035 L34; and, 2035 L35.

2) Within 3 months of the date of this permission, a noise report shall be submitted to and approved in writing by the Local Planning Authority. The report shall include an assessment of the likely impact on the residential occupation of the dwellings due to noise arising from the activities associated with the nearby commercial business, currently known as Atkin, Grant & Lang. Where an adverse impact is identified, the assessment shall identify the severity of the adverse impact and specify a suitable scheme of mitigation which secures an acceptable level of amenity in respect of the residential use in perpetuity. The report and scheme of mitigation shall be compiled by appropriately experienced and competent persons. The approved scheme of mitigation shall be implemented in full within 6 months of the date of approval.

3) Within 3 months of the date of this permission, details of surface water drainage works and a timescale for their implementation shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include an assessment of the potential for disposal of surface water by means of a sustainable drainage system. Where a sustainable drainage system is to be provided, the submitted details shall include:

   (a) 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;

   (b) A timetable for its implementation; and,

   (c) 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 fully in accordance with the approved details.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) there shall be no development under Part 6 (Agriculture and Forestry) Class A on the site of the farm without the prior written approval of the Local Planning Authority. The extent of the farm will be based upon a site plan that shall have been submitted to and approved in writing by the Local Planning Authority within 6 months following the first occupation of any dwellinghouses.

5) No dwellings hereby permitted shall be occupied, until work required by Remediation Report reference 10995 and dated February 2016 which was required as part of planning permission 4/00995/12/FUL (and subsequently

approved under application 4/02295/15/DRC) shall have been completed in accordance with the approved scheme. For the avoidance of doubt, the outstanding required work is;

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the residential occupation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and approved in writing by the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part (a) of condition 10 of permission Ref 4/00995/12/FUL and the approved scheme under that condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part (b) of condition 10 of permission Ref 4/00995/12/FUL and the approved scheme under that condition, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c) above.

6) No dwellings hereby permitted shall be occupied until:

(i) All works which form part of the Remediation Method Statement report pursuant to the above condition have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to and approved in writing by the Local Planning Authority.

7) Within 6 months of the date of this decision, a scheme for full details of both hard and soft landscaping, including a scheme for enclosures, shall have been submitted to and approved in writing by the Local Planning Authority. The enclosures (including fencing and walls) shall not amount to an increase in linear metreage than those which were approved under permission 4/00995/12/FUL and shown in the plan approved under that permission - 2555/9 Rev A. The development hereby permitted shall be carried out in full accordance with the approved hard landscaping scheme within 12 months of the date of approval. Thereafter all the approved hard landscaping shall be retained.

8) The approved soft landscaping scheme subject to Condition 7 of this permission shall be carried out by the end of the first full planting season following its approval. Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of the same species, size and maturity.

9) Within 6 months of the date of this decision a Biodiversity Management Plan including a timetable for implementation, shall have been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall be carried out fully in accordance with the approved details with reference to the approved timetable.

End of Schedule.

APPEARANCES

FOR THE APPELLANT:

Mr Nathan Stewart (Project Manager)

Mr Christopher Pugh (Appellant)

FOR THE LOCAL PLANNING AUTHORITY:

Mr Nigel Gibbs (Lead Planning Officer) BA (Hons) BTP MRTPI

Miss Olivia Stapleford (Assistant Team Leader – Planning Enforcement) Cert. Planning Enforcement ARTPI

Mr Neil Polden (Lead Environmental Health Officer) BSc (Hons) IOA MCIEH

DOCUMENTS SUBMITTED AT THE HEARING

S1 – The discharge of condition notice 4/02295/15/DRC;

S2 – Plan 9;

S3 – The driveway plan L08;

S4 – Plan 2555-8 Rev. D;

S5 – Plan 2555-12 Rev B;

S6 – Plan 9 Reused;

S7 – Extract of clause 2.5 of the Section 106 agreement;

S8 – Enclosure comparison approved v proposed;

S9 – Suggested noise condition;