



Appeal Decision

Site Visit made on 6 April 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2021

Appeal A Ref: APP/D3125/W/20/3258279

Roselyne, 60 Lower End, Leaffield, Witney OX29 9QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Mikael Armstrong against the decision of West Oxfordshire District Council.
 - The application Ref 20/00675/S73, dated 3 March 2020, was approved on 11 May 2020 and planning permission was granted subject to conditions.
 - The development permitted was described as 'removal of conditions 6 (relating to windows that serve en-suites) and 12 (to allow the garage accommodation to be used, in addition to the parking of vehicles, for storage, DIY, hobbies and other similar purposes) and non-compliance with condition 2 (to allow the plans as approved under 19/03002/FUL to be used) all of planning permission 18/00890/FUL'.
 - The conditions in dispute are Nos 11, 12, 13 and 14 which are listed, along with their reasons, in the attached Schedule 1: Appeal A Disputed Conditions.
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Appeal B Ref: APP/D3125/W/21/3268121

Roselyne, 60 Lower End, Leaffield, Witney OX29 9QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Mikael Armstrong against the decision of West Oxfordshire District Council.
 - The application Ref 20/02212/S73, dated 21 August 2020, was approved on 16 December 2020 and planning permission was granted subject to conditions.
 - The development permitted was described as 'Variation of condition 2 and removal of condition 6 (relating to windows that serve en-suites) of planning permission 18/00890/FUL, to allow relocation within the site of the dwelling and garage together with changes to layout and design, and to include additional living space within the attic and provision of a basement. Removal of condition 12 (also of permission 18/00890/FUL) to allow garage accommodation to be used in addition to the parking of vehicles, for storage, DIY, hobbies and other similar purposes (Amended plans)'.
 - The conditions in dispute are Nos 11, 12, 13 and 14 which are listed, along with their reasons, in the attached Schedule 2: Appeal B Disputed Conditions.
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Decisions

Appeal A Ref: APP/D3125/W/20/3258279

1. The appeal is allowed and the planning permission Ref 20/00675/S73 for development described as 'removal of conditions 6 (relating to windows that serve en-suites) and 12 (to allow the garage accommodation to be used, in addition to the parking of vehicles, for storage, DIY, hobbies and other similar purposes) and non-compliance with condition 2 (to allow the plans as approved under 19/03002/FUL to be used) all of planning permission 18/00890/FUL'

granted on 11 May 2020 by West Oxfordshire District Council is varied by deleting conditions 11, 12, 13 and 14, and substituting the following condition:

- 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 development permitted under Schedule 2, Part 1, Classes A or B shall be carried out other than that expressly authorised by this permission.

Appeal B Ref: APP/D3125/W/21/3268121

2. The appeal is allowed and the planning permission Ref 20/02212/S73 for development described as 'variation of condition 2 and removal of condition 6 (relating to windows that serve en-suites) of planning permission 18/00890/FUL, to allow relocation within the site of the dwelling and garage together with changes to layout and design, and to include additional living space within the attic and provision of a basement. Removal of condition 12 (also of permission 18/00890/FUL) to allow garage accommodation to be used in addition to the parking of vehicles, for storage, DIY, hobbies and other similar purposes (Amended plans)' granted on 16 December 2020 by West Oxfordshire District Council is varied by deleting conditions 11, 12 and 14, and substituting the following condition:
 - 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 development permitted under Schedule 2, Part 1, Classes A or B shall be carried out other than that expressly authorised by this permission.
3. For the avoidance of doubt, the planning permission Ref 20/02212/S73 remains subject to the imposition of condition 13.

Background and Procedural Matters

4. The Council granted planning permission under application ref 18/00890/FUL on 12 July 2018 for development described as 'demolition of existing bungalow and erection of replacement dwelling (amended description and plans)' (hereafter referred to as 'the Original Permission').
5. In March 2020, a revised form of development described as 'construction of replacement dwelling, garage and stone boundary wall' was granted planning permission under application ref 19/03002/FUL ('the March 2020 Permission').
6. Two subsequent applications were made under section 73 of the Town and Country Planning Act 1990 ('the Act') purporting to remove or vary conditions of the Original Permission. The first sought an amended wording of condition 2 to substitute the plans that were approved under the March 2020 Permission, as well as the removal of conditions 6 and 12 relating to the installation of obscure glazing and use of the garage. The application was approved, and a new permission issued on 11 May 2020 ('the Appeal A Permission')¹. The second sought an amended wording of condition 2 to allow changes to the approved drawings and the removal of conditions 6 and 12 relating to the installation of obscure glazing and use of the garage. The application was also

¹ Application ref 20/00675/S73

approved, and a further new permission issued on 16 December 2020 ('the Appeal B Permission')².

7. The decision notices for the Appeal A Permission and the Appeal B Permission (together 'the Appeal Permissions') each included 4 conditions of equivalent number and requirements that were not part of the Original Permission ('the disputed conditions'). The appeals are made pursuant to section 78 of the Act which provides the right to appeal where an application for planning permission is granted subject to conditions and relate to the appellant's requests to have the disputed conditions removed. Section 79 of the Act provides that I may allow or dismiss such an appeal, or reverse or vary any part of the decision of the Local Planning Authority.
8. While I have considered each appeal on its individual merits, I have dealt with the 2 schemes together to avoid duplication.

Main Issues

9. Paragraph 55 of the Planning Policy Framework (the Framework) outlines that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
10. In this light and with regard to the evidence before me, I consider that the main issues in both Appeal A and Appeal B are whether or not each of the disputed conditions (11, 12, 13 and 14) satisfies the tests for conditions set out at paragraph 55 of the Framework.

Reasons

11. Shortly after the grant of the Original Permission, the Council adopted the West Oxfordshire Local Plan 2031 (WOLP) in September 2018. The Council considered the subsequent applications resulting in the Appeal Permissions against the WOLP, and has referred to policies within it as part of the justification for the disputed conditions.
12. However, while the WOLP is now part of the development plan, the Planning Practice Guidance (PPG) states that in deciding section 73 applications, the Local Planning Authority 'must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application'³. It also advises that where a Local Planning Authority grant permission under section 73, it 'may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission'⁴.
13. To my mind, it is within this context that further commentary within the PPG to the effect that a section 73 application should be considered against the development plan and material considerations which may have changed significantly since the original grant of permission, and conditions attached to the existing permission⁵ should be read. While the PPG is guidance rather than

² Application ref 20/00675/S73

³ Paragraph: 031 Reference ID: 21a-031-20180615

⁴ Paragraph: 040 Reference ID: 21a-040-20190723

⁵ Paragraph: 019 Reference ID: 17a-019-20140306

adopted policy, it is nevertheless a material consideration of importance as an expression of the approach advocated by the Government.

14. The Appeal Permissions allow for development of different siting, form and design and a larger scale than under the Original Permission. The Council suggests that it was therefore appropriate to consider the applications as for a new dwelling, and to assess them against the WOLP. It further comments in retrospect that a new application for planning permission could have been required or the Appeal A Permission application refused, and asserts that a key reason for approving the Appeal B Permission was because it was similar in scale to the Appeal A Permission.
15. However, it refused neither application, and in issuing the Appeal Permissions under section 73, effectively accepted that the developments comprised 'minor material amendments' to the Original Permission. In any event, I am not persuaded from the evidence before me that the nature of the changes or increase in scale, even taken together, were so extensive as to result in a development which is substantially different from that originally approved. Moreover, while I note that the Appeal Permissions developments could not be realised by building the Original Permission and altering it, I have not been directed to any policy, guidance or legislative provision that this is a requirement for a section 73 application and I see no reason it would be essential.
16. In this context, and with regard to the PPG advice to be taken to section 73 applications, I do not consider that the changes to the originally approved development automatically means that it was necessary or appropriate to assess the Appeal Permissions applications against the policies of the WOLP as a matter of principle. However, nor do I find clear support within the PPG for the appellant's position that assessment of a section 73 application should revert to policies in force at the time of the original application and that new policies adopted since that application was granted may not be applied.
17. In my judgement, the advice within the PPG when it is read together indicates that it is the effects arising from the proposed alterations to conditions under the section 73 applications that should be considered in light of the current policy framework, rather than a complete re-consideration of the developments against these policies. It is on this basis, and mindful of the direction within the Framework that planning conditions should be kept to a minimum, that I have considered the disputed conditions below.

Condition 11

18. Condition 11 of both Appeal Permissions broadly requires the implementation, and thereafter retention, of biodiversity enhancement measures in accordance with details which have first been submitted to and approved by the Council.
19. The Council's position is that condition 11 is necessary to address planning harm that would otherwise result from conflict with requirements of the WOLP, and national policy and guidance requiring conservation and enhancement of biodiversity.
20. The appeal schemes would result in a different form and layout of development on the site from that under the Original Permission. However, I have not been provided with firm evidence to demonstrate that the changes would alter the

effect of either development on ecology or biodiversity to any tangible degree, nor that there would be new or additional harm in comparison to the Original Permission requiring mitigation. Indeed, with regard to the existing site circumstances, the nature of the developments proposed, and the changes indicated, this seems to me to be an unlikely outcome. As a result, I do not find there to be a clear link between the changes to the conditions under the Appeal Permissions and differential effects on biodiversity and ecology justifying re-consideration of the proposals against the current policy framework and the requirements within Policy EH3 of the WOLP seeking incorporation of biodiversity enhancement features as part of development.

21. Although not cited in the reasons for imposing condition 11, the Council's evidence additionally refers to Policy H6 of the WOLP as relevant. Because this policy includes provisions relevant to the replacement of existing dwellings and the Appeal Permissions would further increase the scale of the dwelling on the site from the Original Permission, I accept that it is of relevance. However, insofar as it relates to the subject of condition 11, Policy H6 only requires that there would be no harmful impact on ecology or protected species, and does not stipulate a requirement for enhancement. In the absence of substantive evidence demonstrating that the Appeal Permissions would result in new or additional harmful impacts on ecology or protected species requiring mitigation, I have no reason to find that there would be conflict with this policy in the absence of condition 11.
22. For these reasons and with regard to the Original Permission which did not include a similar condition, I do not find that it would be reasonable to impose the more onerous requirements of condition 11 on the Appeal Permissions. Condition 11 therefore fails the test at paragraph 55 of the Framework of being reasonable in all other respects. Because a condition needs to satisfy all of the tests within the Framework and it therefore could not alter my decision, it is not necessary for me to go on to also consider whether the other tests would be met.
23. I therefore conclude that condition 11 should be removed from both the Appeal A Permission and the Appeal B Permission.

Condition 12

24. Condition 12 of both Appeal Permissions broadly requires the implementation, and thereafter retention, of boundary treatment on the site including provision for hedgehog highways in accordance with details which have been submitted to and approved by the Council.
25. The reasons stated on the decision notices for imposing condition 12 relate to safeguarding the character and appearance of the area, and improving opportunities for biodiversity. No further evidence or policies have been advanced however in relation to the reference within the reasons to character and appearance. I have therefore proceeded on the basis of the Council's evidence which points to the conditions as being required to address planning harm that would otherwise occur through conflict with Policies H6 and EH3 of the WOLP and national policy and guidance requiring conservation and enhancement of biodiversity.
26. However, my findings above in relation to condition 11 that the changes stemming from the Appeal Permissions do not support re-consideration of the

proposals against the current policy framework and the requirements within Policy EH3 of the WOLP are similarly applicable to condition 12. By the same token, I have no reason to find that the Appeal Permissions would lead to new or additional harmful impacts on ecology or protected species requiring mitigation resulting in conflict with Policy H6 of the WOLP in the absence of condition 12.

27. Irrespective of the relative expense of including 'hedgehog highways' as part of boundary treatment to the site, this provision and the requirement to submit details for approval are still more onerous than the Original Permission which did not include a similar condition. In this context and for the reasons above, I also find that it would not be reasonable to impose the more onerous requirements of condition 12 on the Appeal Permissions. Condition 12 therefore fails the test at paragraph 55 of the Framework of being reasonable in all other respects.
28. I therefore conclude that condition 12 should be removed from both the Appeal A Permission and the Appeal B Permission.

Condition 13

29. Condition 13 of both Appeal Permissions broadly requires that the development is not occupied until means to ensure a maximum water consumption of 110 litres/person/day are implemented, and that these are thereafter retained.
30. The reasons stated on the decision notices for imposing condition 13 relate to improving the sustainability of the dwelling in accordance with Policy OS3 of the WOLP. This Policy includes a requirement that residential development will be expected to achieve the optional building regulations requirement for water efficiency of 110 litres/person/day.
31. The Appeal A Permission would increase the overall scale of the development on the site, but it would remain a 4-bedroom dwelling, with all bedrooms double rooms, in line with the Original Permission. It seems to me that occupancy of the dwelling, and by extension water use, would not therefore be significantly increased in comparison to the Original Permission which could be implemented without water efficiency measures, and there is no substantive evidence before me to the contrary. As a result, and with regard to the advice within the PPG, I do not consider that the changes to the conditions under the Appeal A Permission warrant re-consideration of the proposal against the expectation for water-efficiency measures under Policy OS3 of the WOLP. Accordingly, it would not be reasonable to impose the more onerous requirements of condition 13 on the Appeal A Permission, and this condition would fail the test of being reasonable in all other respects as set out at paragraph 55 of the Framework.
32. However, the Appeal B Permission would increase the number of bedrooms within the dwelling and provide a large increase in the overall accommodation within the building. Potential occupancy levels, and total water use associated with the development would therefore be likely to be increased over and above the original permission. As this increase is a direct consequence of the changes to the conditions under the Appeal B Permission, I consider that there is an appropriate basis to assess the development in light of the requirements within Policy OS3 of the WOLP in this regard. In my view, condition 12 would be necessary to ensure that the Appeal B Permission complies with the

requirement within Policy OS3 of the WOLP for achievement of a water efficiency standard of 110 litres/person/day.

33. The Framework identifies the prudent use of natural resources as a key element of achieving sustainable development, and accordingly I am satisfied that water use is a matter relevant to planning. As condition 12 relates to means to ensure water efficiency on the site, it is also relevant to the development permitted and I find that it is suitably precise.
34. The condition requires that measures are in place to enable occupiers of the development to achieve maximum water consumption levels reflecting optional standards within the Building Regulation requirements which are commonly met by development. It seems to me that it would be relatively straightforward to identify whether or not such measures were in fact in place without unacceptable intrusion to occupiers or burden on the Council, and I am accordingly satisfied that it would be enforceable. The condition does not place restrictions on actual levels of water use, and I accept that occupiers would not be prevented from using more than 110 litres/person/day. Nevertheless, that does not in my view mean that providing occupiers with the means to reduce water usage is of no value, and I do not consider that the condition is otherwise unreasonable. I therefore find that condition 13 of the Appeal B Permission would satisfy the tests set out at paragraph 55 of the Framework, and should not be removed.
35. In reaching this view, I have noted the appellant's reference to an appeal decision where a similar condition was found to fail the tests of reasonableness and enforceability. However, from the very limited details provided I do not know how the circumstances of that case relate to the appeals before me, including with regard to any relevant policies of the development plan supporting use of water efficiency targets. I have in any case reached my own conclusions on the appeals on the basis of the evidence before me.
36. For the reasons above, I conclude that condition 13 should be removed from the Appeal A Permission, but that it should not be removed from the Appeal B Permission.

Condition 14

37. In essence, condition 14 of both Appeal Permissions restricts a range of householder permitted development rights granted under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
38. The front part of the appeal site is within the Leafield Conservation Area (CA), and protecting the character and appearance of this area is cited as the reason for imposing condition 14 on the decision notices. Given this designation, I have had regard to the statutory duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The site is also within the Cotswold Area of Outstanding Natural Beauty (AONB), and I therefore note the duty under Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purposes of conserving and enhancing the natural beauty of AONBs.

39. Buildings within the CA are predominantly of traditional designs and external finishes, and for the most part are of fairly modest scale and appearance. The area is strongly influenced by the surrounding landscape which provides an open backdrop to the broadly linear form of the village and which is apparent in gaps between buildings adding a sense of spaciousness. Together, these factors result in an attractive rural character and appearance which adds to the significance of the CA, and is in keeping with the location within the AONB.
40. In views including from Lower End, there is an appreciable openness on the appeal site as a result of the generous plot and spacing around the existing dwelling. This complements the open land to the rear of the site and buildings fronting this part of Lower End. In this way, I find that the site contributes positively to the rural character and appearance of the area.
41. The Council advises that the development approved under the Original Permission would be around twice the height and three times the volume of that existing on the site, and would result in an increase in footprint of around 44%. I accept that the Appeal Permissions would only increase the proportion of the appeal site occupied by development by a small amount in comparison to the Original Permission, but this reflects the large overall size of the site. While the appellant also suggests that the increase in the footprint of development would be around 7%, the Appeal Permissions would additionally result in an increase in the height of development, and the replacement dwelling would be positioned further towards the rear boundary of the site and the open land beyond. When these factors are taken together, I do not agree that the impact of the changes resulting from the Appeal Permissions could reasonably be described as 'negligible'.
42. I acknowledge that the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so, and that the PPG further comments that such conditions may not pass the tests of reasonableness or necessity. However, the appeal site is in a sensitive location within the AONB and on the edge of the CA where buildings are typically of fairly modest scale and openness is an important element of the character and appearance of the area.
43. Permitted development rights under Classes A and B provide for the enlargement, improvement or other alteration of a dwellinghouse or addition or alteration to its roof, and despite some restrictions in areas designated as AONB or conservation area, would each allow for potentially significant increases in the scale of the dwelling. Even if restricted to the rear of the building beyond the CA, such increases in combination with the greater scale of the Appeal Permissions would be likely to result in visual impacts associated with further increasing the scale of development in comparison to the more typical buildings within the CA, reducing openness, and spreading built form towards the open setting of the village. As a result, there would be potential for significant harm to the rural character and appearance of the area.
44. Accordingly, I find that a restriction on permitted development rights under Classes A and B would be justified and necessary to enable proper consideration of such effects in order to avoid unacceptable harm being caused. Inclusion of such a condition on the Appeal Permissions would be a reasonable and commensurate response in light of the changes to development and additional scale over and above that of the Original Permission.

45. Further permitted development rights under Classes C, D and H concern other alterations to the roof of a dwellinghouse, porches, and the installation, alteration or replacement of a microwave antenna. I recognise that the Appeal Permission developments would be of increased scale and roof height than the original permission and would be of differing design, and that the Appeal B Permission already includes some rooflights. Even so, it seems to me that the visual impact of further development under Classes C, D or H in comparison to alterations which could be made under the Original Permission would at most be very limited, particularly given the greater set back of the Appeal Permission developments from the front of the site. As a result, I find that any difference in the prominence or impact of development on the character and appearance of the area, including the CA and AONB, would be insufficient to warrant now withdrawing these permitted development rights.
46. Class G permitted development rights concern the installation, alteration or replacement of a chimney, flue or soil and vent pipe. The Council describes chimneys as critical features within the CA. Be that as it may, the nature of the alterations arising from the Appeal Permissions would not in my judgement amount to a material change generating a need to now control these elements in the interests of the character or appearance of the area in contrast to the Original Permission which does not include a restriction on permitted development rights under Class G.
47. Class E rights relate to the provision of incidental buildings. The Council suggests that such structures have the potential to be incongruous features, but that is equally the case should the Original Permission be implemented and is not compelling evidence that changes to the Appeal Permission developments mean a restriction is now necessary or justified.
48. For these reasons, and with regard to the lack of restrictions on the Original Permission, I find that it would not be necessary or reasonable in all other respects to restrict permitted development rights under Classes C, D, E, G or H. There are however exceptional circumstances which mean that I find a restriction on permitted development rights under Classes A and B would be necessary and reasonable in the interests of the character and appearance of the area. Such a condition would be relevant to planning and to the development permitted, and I find that it would meet the tests set out at paragraph 55 of the Framework.
49. I therefore conclude that condition 14 should be varied on both the Appeal A Permission and the Appeal B Permission to refer only to a restriction of permitted development rights under Classes A and B of Schedule 2, Part 1 of the GPDO.

Other Matters

50. I acknowledge that conditions comparable to the disputed conditions were attached to the March 2020 Permission. The Council suggests that this was approved on balance taking account of minor ecological enhancements which would have been secured through the conditions. However, the weight that I afford to this statement is limited by the absence of reference within the 'Planning Assessment' of the Council's report on the application to requirements for ecological enhancements, or to these as forming part of any overall planning balance or justification for the proposal. In any event, the March 2020 Permission was granted following a full application for planning

permission rather than pursuant to section 73 where the PPG outlines specific advice regarding the approach to imposition of conditions. The circumstances are not therefore directly comparable to the appeals before me, and I do not find this a compelling reason to alter my conclusions above.

51. Similarly, while the Council may have refused a section 73 application which sought amendments to the approved plans as well as the removal of the disputed conditions from the Appeal A permission⁶, I am not bound by previous decisions of the Council.

Conclusion

52. Notwithstanding the provisions of the WOLP, I find for the reasons set out above that material considerations including Government guidance within the PPG indicate that the inclusion of conditions 11, 12 and 13 of the Appeal A Permission and conditions 11 and 12 of the Appeal B permission cannot be justified. Consequently, I am satisfied that decisions other than in accordance with the development plan are in these cases appropriate and the omission of the conditions would not make the developments unacceptable in planning terms. These conditions do not meet the tests set out at paragraph 55 of the Framework, and should therefore be removed.
53. To comply with the tests set out at paragraph 55 of the Framework, Condition 14 of Appeal A Permission and Appeal B permission should also be varied to restrict only those permitted development rights necessary and reasonable in the interests of the character and appearance of the area.
54. I therefore conclude that Appeal A should be allowed, and that the permission should be varied as indicated by deleting disputed conditions 11, 12, 13 and 14, and substituting a modified condition 14 relating to permitted development rights under Schedule 2, Part 1, Classes A and B of the GPDO.
55. I further conclude that Appeal B should be allowed, and that the permission should be varied as indicated by deleting disputed conditions 11, 12 and 14, and substituting a modified condition 14 relating to permitted development rights under Schedule 2, Part 1, Classes A and B of the GPDO.

J Bowyer

INSPECTOR

⁶ Application ref 20/01536/S73

Schedule 1: Appeal A Disputed Conditions

Condition 11

Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east facing elevations) within the walls of the new buildings, and hedgehog gaps/holes under/through walls and/or fences, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

Reason: To provide new features for roosting bats and nesting birds, and ensure permeability for hedgehogs, as biodiversity enhancements in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

Condition 12

Notwithstanding the details submitted in this application, no dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.

Reason: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.

Condition 13

No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

Reason: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

Condition 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 development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.

Reason: Control is needed to protect the character and appearance of the Conservation Area.

Schedule 2: Appeal B Disputed Conditions

Condition 11

Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east facing elevations) within the walls of the new buildings, and hedgehog gaps/holes under/through walls and/or fences, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

Reason: To provide new features for roosting bats and nesting birds, and ensure permeability for hedgehogs, as biodiversity enhancements in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

Condition 12

Notwithstanding the details submitted in this application, no dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.

Reason: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.

Condition 13

No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

Reason: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

Condition 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 development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.

Reason: Control is needed to protect the character and appearance of the Conservation Area.