



Appeal Decision

Hearing held on 5 April 2022

Site visit made on 5 April 2022

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18/05/2022

Appeal Ref: APP/U1430/W/21/3273162

Upper Morgay Wood, Junction Road, Staplecross, TN32 5SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Greenaway against the decision of Rother District Council.
 - The application Ref RR/2020/512/P, dated 19 March 2020, was refused by notice dated 15 December 2020.
 - The development proposed is the demolition of the existing dwelling and agricultural buildings and erection of replacement dwelling, new ancillary building and associated works, including extension to residential curtilage.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of the existing dwelling and agricultural buildings and replacement dwelling, new ancillary building and associated works, including extension to residential curtilage at Upper Morgay Wood, Junction Road, Staplecross, TN32 5SH, in accordance with the terms of the application Ref RR/2020/512/P, dated 19 March 2020, subject to the conditions set out at Annex C.

Preliminary Matters

2. I have made small changes to the description of development to more accurately describe the proposal. The changes were agreed with the main parties at the hearing.
3. An updated Landscape Appraisal, dated March 2022, and a Court of Appeal Approved Judgment¹, were submitted prior to the hearing. I accepted the documents and afforded the Council the opportunity to comment.
4. A Preliminary Ecological Appraisal, dated October 2021, and a Summary of Ecological Considerations, dated April 2022, were submitted by the appellant prior to the hearing. It was agreed at the hearing to provide East Sussex County Council (ESCC) and the Council with time to review the documents, and, subsequent to the hearing, a County Ecologist at ESCC provided her observations, dated 29 April 2022. The observations confirmed that ESCC have no objections to the proposal, subject to appropriate mitigation and other measures, which could be secured by condition. The Council confirmed their acceptance of the ESCC's observations, and therefore the second reason for

¹ Case No: C1/2019/1955/QBACF, dated 28 January 2021

refusal, which was with regard to ecological matters, has fallen away and is not contested.

Main Issue

5. In light of the above, the main issue is the effect of the proposed development on the character and appearance of the area, including the effect on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (the AONB).

Reasons

The appeal site

6. The appeal site contains an existing dwelling and small outbuilding, and a further collection of fairly large agricultural buildings. The dwelling has been poorly maintained and is unassuming, at best, in appearance. The agricultural buildings are utilitarian, partially dilapidated sheds. However, buildings of this type in agricultural use are common in the countryside and they are inconspicuous in appearance. There is a row of conifer trees across the site near Junction Road. This species of tree is out of keeping with the surrounding woodland and they appear out of place.
7. The appeal site is an area of mostly open land set within woodland to the north and south, Junction Road with woodland beyond to the west, and slightly more open land to the east, albeit terminated in the near distance by a thick hedgerow. The woodland to the east and west is ancient woodland. Some more modern woodland also encroaches into the site to the south east corner. There are properties to the north and south of the appeal site but they are set behind thick woodland and are barely visible. There are no public footpaths or other rights of way that confer views of the appeal site apart from Junction Road, through a narrow gap in the tree line at the entrance. The site is highly visually isolated.
8. Junction Road is a long country road, lined by woodland to both sides. There are intermittent properties to both sides, which are mostly accessed from narrow entrances in the woodland, although there is an entrance nearby to the appeal site with a more open entrance. The existing access to the appeal site is from a fairly narrow entrance to the southern end of the boundary with the road. The access road then runs along the southern boundary of the appeal site, alongside the ancient woodland, leading up to the existing house.
9. The topography is important. The site rises fairly steeply from the road with the existing dwelling at the brow of the hill in a prominent position. The land then falls away into a valley before rising again further to the east. The agricultural buildings are also on fairly high land, along the border with the woodland to the east.
10. The existing site is a mixture of residential and agricultural land. The land in the valley and beyond the appeal site to the east, as well as the land where the agricultural buildings are located, is clearly in agricultural use. The existing dwelling has a garden surrounding it, which is more clearly of domesticated, residential use. However, this is not particularly clearly defined, beyond the grass being kept shorter, and does not use natural features for its boundary. The land to the front of the site, in-between the road and the dwelling, is of indeterminate use and appearance.

The proposed development

11. It is proposed to demolish all the existing buildings and to erect a new house and detached garage building. The proposed house would be of unashamedly modern design and would have a footprint with three limbs and a central 'hub'. It would be a mixture of one and two storeys, being largely set in the valley of the appeal site, partially beyond the brow of the hill. The proposed, large garage building would be one storey and would be in a more prominent location, similar to that of the existing dwelling. There would be defined garden areas set into the natural amphitheatre created by the surrounding valley. The existing access and drive would be decommissioned and a new access from Junction Road and new access road created, towards the centre of the site. The proposed landscaping includes removal of the existing conifers, a mixture of new garden and woodland planting, and replacement hedgerow where the existing access is to be removed.

The built form

12. The existing dwelling is relatively modest in scale but it is in a prominent location on the brow of the hill. The proposed house, despite being much larger, has been designed to sit partially within the natural valley, and would be no more, perhaps even less, prominent as seen from Junction Road. There are no public views from elsewhere and even where it could be glimpsed, for example from the nearest properties to the north and south, its visual effect would be lessened by its location using the natural valley of the site. It is common ground, and I agree, that the proposed dwelling, in and of itself, would not harm the character and appearance of the area.
13. The proposed garage building would be more visible than the proposed house but it would still be of marginally lesser prominence than the existing dwelling. When perceived in conjunction with the proposed house, there would be a fairly substantial amount of built form as seen from Junction Road, despite the proposed dwelling being largely set in the valley behind. This should, though, be seen in the context of the demolition of the agricultural buildings. They are inconspicuous and utilitarian and the direct effect of their loss would be largely neutral. However, their demolition would result in a fairly significant loss of built form on the site in a relatively prominent location near the top of the hill. The overall amount of proposed built form in comparison to existing built form would be lesser, both in terms of footprint and prominence, and of higher quality design. The proposals are therefore acceptable in these respects.

The landscaping and curtilage

14. The creation of a new access and driveway would cut through land that has a wooded character, and it would be fairly wide. However, the majority of the trees to be felled would be a line of conifer trees, which are out of keeping with the character of the wider wooded area, and can be seen as a benefit of the proposal. Proposed planting could partially mask the appearance of the driveway. The proposed dwelling would be in the valley and the existing agricultural buildings would be demolished. Despite the proposed garage, there would therefore be the opportunity to enhance the landscape of the appeal site. The detail of the landscaping could be controlled by condition and there is no reason to believe that a suitable landscape scheme, including a mixture of native planting, and a combination of domestic and more natural appearance, could not be achieved.

15. In more detail, the proposal would have specified garden areas. Importantly, though, only the formal garden areas could become domesticated with the associated paraphernalia, and this could be controlled by condition. The proposed garden areas would also be better assimilated with the surrounding landscape than the existing, despite being larger, because their boundaries fit better with the natural topography of the site, creating at least partially natural boundaries, which do not exist as existing.
16. The area to the front of the proposed house would likely have a parkland-like character and appearance, at least in part, through the introduction of the driveway and garage, proposed landscaping including areas of 'garden planting', and likely future use of the area by the future occupants. However, this would be similar to the existing appearance of that part of the site, which is an indeterminate part-agricultural/part-residential character and appearance, associated with the existing dwelling.
17. The loss of the existing agricultural buildings would, of course, result in the loss of an element of the agricultural nature of the site. However, the area where the buildings are sited would be returned to open land and, also being directly adjacent to the woodland, it would not be of domestic appearance. Proposed lighting could be controlled by condition to limit its effects and, in any event, would be focussed on the proposed buildings and formal garden areas.
18. It is also important to remember that the site is highly visually isolated, as set out above. The existing access would be re-planted, and this could be secured by condition. The proposed new access would be slightly larger than the existing, but would still only afford glimpsed views for drivers of the appeal site and proposal, who are likely to be driving at a fair speed due to the fast, straight nature of the country lane. There are likely to be very few cyclists or pedestrians given the road's narrowness, likely intimidating speed of vehicles, and distance from surrounding settlements and amenities.

The AONB

19. The appeal site is within the AONB, and therefore an area of high sensitivity at the national level. However, due to its visual isolation, the effect of the proposal would only be felt at a heavily localised level. Nevertheless, the key characteristics of the AONB remain important considerations.
20. It is not yet entirely clear how much excavation would be required to construct the proposed house and garden areas. However, due to the proposed location in the valley of the site, the level of excavation would be limited. The existing soils would therefore largely be protected and the proposal would comply with Objective G2 of the High Weald AONB Management Plan 2019-2024 (the MP), which is to protect and enhance soils, amongst other criteria.
21. Objective FH2 of the MP is to maintain the pattern of small, irregularly shaped fields bounded by hedgerows and woodlands. The proposal would slightly encroach beyond the footprint of the existing dwelling. However, the essential characteristic of the site would be preserved, being that of a dwelling immediately surrounded by domesticated garden area, an access drive, and a mixed agricultural and residential character. The proposal therefore complies with this objective.

22. Objectives W1 and W2 of the MP are to maintain the extent of existing woodland, particularly ancient woodland, and to enhance the ecological quality of the woodland. For the reasons set out later in the Decision, the proposal complies with these objectives.

Overall

23. The proposal would not, therefore, result in an unacceptable intrusion of domestic character and appearance into the countryside. The balance of agricultural versus domestic character would be retained, albeit with a different layout and in a different form. Consequently, the proposal would protect the character and appearance of the area, and the landscape character and scenic beauty of the AONB.
24. The proposal therefore complies with Policy DHG12 of The Development and Site Allocations Local Plan Proposed Submission, October 2018 (DASA), which requires that accesses and drives should maintain the character of the locality. It complies with Policy DEN1, which requires proposals to maintain and reinforce local landscape characteristics, and Policy DEN2, which requires protection of the AONB and its relevant character components. It complies with Policies OSS4(iii), RA2(viii), RA3(v) and EN1(i) of The Rother Local Plan Core Strategy, September 2014 (CS). These policies seek to protect and enhance the character and appearance of the area, including to landscape, and with particular attention to protecting the countryside and the AONB. The proposal also complies with paragraph 174(b) of the National Planning Policy Framework (the Framework), which recognises the intrinsic character and beauty of the countryside, and paragraph 176, which gives great weight to conserving and enhancing landscape and scenic beauty in AONBs.
25. Policy DHG8 of the DASA is relied upon by the Council. However, this policy relates to extensions to existing gardens, not proposals for new gardens. However, the guidance it provides that gardens should not ham rural character and should follow natural boundaries is still generally applicable to the proposal, which complies with this policy.

Other Matters

Ecology

26. The dwelling contains bats and some of the agricultural buildings might contain bats. A license² would therefore be required prior to their demolition. The ESCC has confirmed that this is likely to be granted, subject to appropriate mitigation measures including alternative roosting opportunities. Controls over lighting are also necessary with regard to commuting and foraging routes. These measures could be secured by condition.
27. The appeal site contains suitable habitat for breeding birds. The ESCC recommend that works to the habitat should be undertaken outside of breeding season, and/or with appropriate checks by a trained ecologist. Bird boxes are also required in mitigation. These measures could be secured by condition.
28. The appeal site and nearby streams and ditches provide suitable habitat for great crested newts (GCN). The Council has a District License scheme for GCN and the appellant would need to enter into this scheme, which could be secured

² Natural England's European Protected Species Policy 4

by condition. The ESCC has confirmed that no site-specific licensing would be required.

29. There is a high potential for reptiles on the appeal site due to the suitable habitat of grassland, scrub and woodland. However, the majority of the habitat would not be disturbed and reasonable protection measures during construction could be secured by condition.
30. A number of other measures to protect biodiversity, eg in relation to general habitat, stag beetles, hedgehogs, dormice, and badgers, are set out in the submitted Preliminary Ecological Appraisal (PEA) and Summary of Ecological Considerations documents. These measures could be secured by condition.
31. The PEA makes some recommendations for enhancements to biodiversity, including the provision of bat and bird boxes over and above any required to mitigate/compensate for the loss of such features, wildlife friendly pathways, and additional tree and shrub planting using a high proportion of native species. A measurable biodiversity net gain is therefore proposed and would likely be achieved subject to control of the detail by condition.
32. The appellant has submitted detailed information on the existing ecology of the site and the measures required to protect and enhance the site's biodiversity, all of which could be controlled by condition. The proposal therefore complies with Policy DEN4 of the DASA and Policy RA2(viii), which require proposals to conserve or enhance biodiversity and ecological resources. It also complies with paragraph 174(d) of the Framework, which requires proposals to minimise impacts on, and provide net gains for, biodiversity.

Ancient woodland

33. The woodland to the south and north of the appeal site is designated as ancient woodland, and are therefore irreplaceable habitats as defined by the Framework. It is proposed to maintain a 15m buffer zone to the ancient woodland, in accordance with the standing advice from Natural England (NE). It is also proposed to demolish existing agricultural buildings and the existing access road, both of which run within this buffer zone to the ancient woodland to the south. This would deflect trampling pressure and move other potential sources of damage, such as cars, away from the woodland.
34. It is important that the landscaping and planting within the buffer zone provide suitable semi-natural habitats as set out in the NE guidance, and use native species, in order to avoid damage and encourage increased biodiversity. It is also important that any demolition or other works be undertaken carefully so as to avoid damage to the ancient woodland. These measures could be secured by condition. Subject to these controls, the proposal would enhance the setting and adjacent habitat of the ancient woodland, and would therefore protect and support this irreplaceable habitat. The proposal therefore complies with Policy DEN4 of the DASA and Policy EN1(i) of the CS, both of which seek to protect and enhance ancient woodlands. It also complies with paragraph 180(c) of the Framework, which seeks to avoid loss or deterioration to ancient woodland.

Other

35. The use of part of the appeal site for camping is mentioned in the supporting documentation to the appeal. However, at the hearing it was confirmed that this was only ever for brief periods of time, has not occurred for several years,

and no permission for the use of the land for camping was ever sought or granted. This is not, therefore, an issue relevant to the appeal.

Planning Balance

36. In this section, I adopt the following ascending scale in terms of weighting – limited, moderate, significant. Substantial is also on this scale, above significant, but I have not had cause to use it in relation to the proposal.
37. It is common ground that the Council cannot demonstrate a five year supply of housing land. However, the proposal is to replace one family-sized dwelling with another and there would therefore be no net provision of housing, and paragraph 11d of the Framework and the ‘tilted balance’ does not apply. This factor weighs neutrally in the planning balance, because there would be no net new residential accommodation.
38. Overall, the proposal would protect, but not enhance, the character and appearance of the area, and the landscape character and scenic beauty of the AONB. This weighs neutrally in the planning balance. However, the proposed design of the dwelling and garage, with its unashamedly modern character and clever positioning in the valley and using the natural topography of the land, is an outstanding and innovative design. I place significant positive weight on this, in accordance with paragraph 134 of the Framework.
39. The proposal would enhance the setting and adjacent habitat of the ancient woodland, and would therefore protect and support this irreplaceable habitat. I attribute significant positive weight to this factor.
40. The proposal would enhance biodiversity, particularly through the provision of bat and bird boxes, wildlife friendly pathways, and additional tree and shrub planting. However, the detail of this is to be secured by condition and no commitment is made to do more than provide a gain in biodiversity, rather than a target of a specific percentage of improvement. I therefore attribute limited positive weight to this factor.
41. There would also be some moderate economic benefits relating to the construction work. In accordance with paragraph 81 of the Framework, I place significant weight on this factor, albeit tempered in the overall planning balance by the relatively modest scale of the benefits.
42. The location of the proposed house is not in dispute, because it is a replacement like-for-like for an existing dwelling. However, the appeal site is in an isolated location. Junction Road is inhospitable for pedestrians and cyclists, being narrow with no pavement or lighting. The nearest services and facilities are in any event far enough away that people would be unlikely to walk or cycle to use them. The vast majority of future journeys are likely to be made by car. I place moderate negative weight on this factor, because it is for a replacement, rather than a new, dwelling.

Conclusion

43. For the reasons above, the proposals accord with the Development Plan, and the many benefits outweigh the moderate harm from the reliance of future occupants on the car. I therefore conclude that the appeal should be allowed.

Conditions

44. In addition to the standard time limit condition, a condition specifying the relevant drawings provides certainty.
45. The Biodiversity Method Statement, lighting design strategy for biodiversity, the element of the windows and doors condition controlling light transmission, and Ecological Design Strategy conditions are necessary to protect and enhance biodiversity, protect and enhance the ancient woodland, and to protect the character and appearance of the area.
46. The landscaping conditions are necessary to protect the character and appearance of the area, including landscape character, and to protect biodiversity and the ancient woodland. The conditions provide sufficient control to the Council, through the future discharging of the conditions, to ensure that appropriate species, including native species, are secured where necessary on the appeal site. The Landscape Management Plan conditions ensures control can be maintained of the appearance of the site, in particular the non-residential curtilage areas.
47. The materials, windows and doors, demolition of existing buildings, boundary treatment, removal of boundary walls permitted development rights, stopping-up of existing access, removal of permitted development rights for extensions, and use of garage building conditions are necessary to protect the character and appearance of the area.
48. The visibility splay, parking areas, and stopping-up of existing access conditions are necessary to ensure highway safety and to prevent harmful effects on the flow of traffic along Junction Road.
49. The residential curtilage condition is necessary for certainty and also to protect the character and appearance of the area by controlling the extent of the site that would be able to be domesticated.
50. The water efficiency condition is necessary to ensure the proposal minimises its impact on water resources, and complies with Policy DRM1 of the DASA. The accessible and adaptable dwellings condition is necessary to ensure the proposed dwelling is accessible to people with mobility issues, and complies with Policy DHG4 of the DASA.
51. The condition to control the garage building to be used for the parking of vehicles, and or other purpose incidental to the occupation of the house, is necessary to ensure that it does not become an independent dwelling, and to protect the character and appearance of the area.
52. The Biodiversity Method Statement and Ecological Design Strategy conditions are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used.

O S Woodward
INSPECTOR

ANNEX A: APPEARANCES

FOR THE APPELLANT:

Mark Best MRTPI

David Challinor RIBA

Nick Harper CMLI

Paul Greenaway

Parker Dann Chartered Town Planning
Consultants

C-Architecture Limited

Harper Landscape Architecture LLP

Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Chelsea York

Matthew Worsley

Claire Tester

Senior Planning Officer, Rother District Council

Major Applications Team Leader, Rother District
Council

Planning Advisor, High Weald AONB Unit

ANNEX B: DOCUMENTS

- 1 Interim Guidance from Natural England - Great crested newts:
District Level Licensing for development projects
- 2 Landscape Appraisal, by Harper Landscape Architecture LLP, Ref
hla 330 R 02 rev A (March 22)
- 3 Preliminary Ecological Appraisal, dated October 2021, by Phlorum
- 4 Summary of Ecological Considerations for the Proposed
Development Letter, dated 1 April 2022, by Phlorum
- 5 County Landscape Architect Observations, dated 19 October 2021
- 6 Neutral Citation Number: [2021] EWCA Civ 74; Case No:
C1/2019/1955/QBACF; dated 28 January 2021; Monkhill Limited;
Waverley Borough Council
- 7 Ecological Consultation Letter, from East Sussex County Council,
dated 29 April 2022

ANNEX C: CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 257-P001C; P002B; P005F; P005G; P006C; P007E; P008C; 21080/001.

Pre-commencement

- 3) No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for:
 - i. the protection of hazel dormice; and,
 - ii. the protection of reptiles;

has been submitted to, and approved in writing by, the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant); and,
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

- 4) No development shall take place until an Ecological Design Strategy (EDS) addressing the protection of retained habitats (including broadleaved semi-natural woodland, neutral semi-improved grassland, and ancient woodland) and enhancement of the site to provide measurable biodiversity net gain has been submitted to, and approved in writing by, the local planning authority. The EDS shall include the following:
 - a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location /area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;

- i) details for monitoring and remedial measures; and,
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Pre-specific part of the development

- 5) No development above ground level shall take place until samples/details of all external facing materials, including the green roof, for both the dwelling and garage have been submitted to, and approved in writing by, the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
- 6) No development above ground level shall take place until the hard and soft landscaping details have been submitted to, and approved in writing by, the local planning authority. The details shall include:
 - i. Existing and proposed levels plans, including information on the proposed cut and fill;
 - ii. Planting plans;
 - iii. Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - iv. Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
 - v. Details of the hard surfaces remaining following removal of any existing structures on the site, and details of the proposed replacement landscaping;
 - vi. Hard surfacing materials; and,
 - vii. Implementation programme.
- 7) The windows and doors shall not be installed until details of the glazing for the windows and doors have been submitted to, and approved in writing by, the local planning authority. The details shall include information on glass technology to be utilised to prevent or significantly reduce light transmission through the glazing at night, which could be in the form of electrochromatic glass or 'smart glazing'. The windows and doors shall be installed and thereafter retained in accordance with the approved details.

Pre-occupation

- 8) The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied, in accordance with the agreed implementation programme.
- 9) Before the development is first occupied a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to, and approved in writing by, the local planning authority. The Landscape Management Plan shall be carried out as approved.
- 10) Prior to the occupation of the new dwelling hereby approved, the existing dwelling 'Upper Morgay Wood' and agricultural buildings labelled A to F

on drawing Ref 257-P007E shall have been demolished and the site cleared of all resultant rubble and spoil.

- 11) The dwelling shall not be occupied until the boundary treatments for the site have been completed in accordance with details first submitted to, and approved in writing by, the local planning authority. The details shall indicate on a plan the positions, design, height, materials, and type of boundary treatments to be erected.
- 12) The new access shall not be used until visibility splays of at least 2.4m x 215m have been provided in both directions. Thereafter, the visibility splays must be maintained clear of obstructions exceeding 600mm in height and thereafter are kept clear.
- 13) The development shall not be occupied until the parking and turning areas have been provided and constructed in accordance with the approved drawings and those areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.
- 14) The development shall not be occupied until the existing access to the site has been stopped-up, the track removed, and the verge and planting – including the roadside boundary – reinstated in accordance with details first submitted to, and approved in writing by, the local planning authority. Thereafter, such closed access shall not be re-opened.
- 15) The dwelling shall not be occupied until the Building Regulations requirement for water efficiency of no more than 110 litres/person/day, as set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended), has been complied with.
- 16) The dwelling hereby permitted shall not be occupied until it has been constructed in accordance with part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.
- 17) Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to, and approved in writing by, the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and dormice and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and,
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

For observation

- 18) The residential curtilage, falling within use class C3, is limited to the area as edged green on drawing Ref 257-P005F.
- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting this Order with or without modification), no other fences, walls or gates shall be erected on the site.
- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting this Order with or without modification), no extensions, buildings, structures or alterations shall be carried out on the site other than those expressly authorised by this permission.
- 21) The garage building hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling, and their visitors, or for other purposes incidental to the occupation of the dwelling, and must not be used for any other purpose.

===== END OF SCHEDULE =====