



Appeal Decisions

Hearing held on 6 and 7 December 2022

Site visit made on 8 December 2022

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2022

Appeal 'A' Ref: APP/N0410/W/22/3291352

The Priory, Stomp Road, Burnham SL1 7LW

- 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 Campmass Property Limited against the decision of Buckinghamshire Council.
 - The application Ref PL/20/3527/FA, dated 20 October 2020, was refused by notice dated 30 July 2021.
 - The development proposed is the extension and change of use of part of The Priory from B1(a) office to C2 use to provide a 75-bedroom C2 care home, with associated car parking and landscaping.
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Appeal 'B' Ref: APP/N0410/Y/22/3291353

The Priory, Stomp Road, Burnham SL1 7LW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Campmass Property Limited against the decision of Buckinghamshire Council.
 - The application Ref PL/20/3528/HB, dated 20 October 2020, was refused by notice dated 20 August 2021.
 - The works proposed are the extension and change of use of part of The Priory from B1(a) office to C2 use to provide a 75-bedroom C2 care home, with associated car parking and landscaping.
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Decisions

Appeal 'A' Ref: APP/N0410/W/22/3291352

1. The appeal is allowed and planning permission is granted for the extension and change of use of part of The Priory from B1(a) office to C2 use to provide a 75-bedroom C2 care home, with associated car parking and landscaping at The Priory, Stomp Road, Burnham SL1 7LW, in accordance with the terms of the application, Ref PL/20/3527/FA, dated 20 October 2020, and the plans submitted with it, subject to the conditions at the end of this letter.

Appeal 'B' Ref: APP/N0410/Y/22/3291353

2. The appeal is allowed and listed building consent is granted for the extension and change of use of part of The Priory from B1(a) office to C2 use to provide a 75-bedroom C2 care home, with associated car parking and landscaping at The
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Priory, Stomp Road, Burnham SL1 7LW, in accordance with the terms of the application Ref PL/20/3528/HB, dated 20 October 2020, and the plans submitted with it subject to the conditions at the end of this letter.

Preliminary Matters

3. Local Plans: The Council is in the early stages of preparing a new Local Plan for Buckinghamshire, programmed for examination in 2024. There are no draft policies before me.
4. The Council has referred to the South Bucks District Local Plan (LP), adopted in 1999, which controls development in this area. Policies C1 and C6 concern development in a conservation area, and alterations to listed buildings. While these policies reflect the thrust of the historic environment policies in the National Planning Policy Framework (the Framework), they do not include the public benefits balancing test. The Council has also referred to the Green Belt policies GB1, GB2 and GB4 of its Local Plan. These differ substantially from the Green Belt policies of the Framework.
5. In accordance with paragraph 219 of the Framework, the inconsistency of these historic environment and Green Belt policies with the Framework limits the weight I can accord any conflict with them.
6. Amended drawing: Just before the Hearing, the appellant submitted a new site plan (2022/PR/2 rev R Proposed Site plan). It seeks to amend the parking layout by re-siting some of the spaces originally proposed beside the listed building into two bays further from it, on the western approach to the building, roughly where two pools lie today. It is only appropriate to take this plan into account if no party would be disadvantaged. In *Wheatcroft (Bernard) Ltd v Secretary of State for the Environment* [1982] JPL 37, it was held that the main criterion is whether the development is so changed by such amendments that to grant permission would be to deprive those who should have been consulted of the opportunity of consultation.
7. There are three implications of the amendment. First, the effect on the setting of the building and the appearance and character of the CA; second, the conclusions already reached on the biodiversity value of the pools; and last, the potential risk to the living conditions of surrounding occupiers from moving the source of potential noise and disturbance closer to them.
8. I can understand, where the focus of the more prestigious approach to the building lies to the southeast, the intention to relieve that setting of cars and to

- re-site them in the historically relegated western drive. The pools are modern and contribute relatively little in landscape terms to the significance of the more Picturesque aesthetic of the listed building. The Council considered this a marginal improvement to the setting, though not undoing the harms it already identified.
9. The rectangular pools are raised and contained by giant mouldings and set on a formal lawn. Their waters tested negative for the presence of newts. In these circumstances, the risk to the conclusions already drawn in the ecological assessment is only very slight. The Council did not object in ecological terms.
10. Notwithstanding this, the amendment would relocate around 14 parking bays closer than advertised to the neighbouring houses, with a consequential risk of additional noise and disturbance. The occupier of Walnut Tree Cottage was represented at the Hearing and did not object to the amendment. However, the occupiers of West Lodge and Beech Tree Cottage were not at the Hearing. I note that the appellant reports having written to these neighbours a few days before the Hearing to alert them to the amendment. However, I have seen no response from them, either positive or negative. I cannot, therefore, be sure that these neighbours would not be disadvantaged by being denied an opportunity to comment on the amendment. Thus, following the principles in *Wheatcroft*, I shall come to my decision on the plans refused by the Council. I shall not take the amendment into account.
11. Unilateral Undertaking: On the second day of the Hearing the Council confirmed that it no longer sought the planning obligation in the draft unilateral undertaking to secure a cross-subsidy from the proposed care home to provide a maintenance scheme for the retained offices. The other obligation in the undertaking remains. I return to this, below.

Main Issues

12. The Framework indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt. Inappropriate development, it says, is by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. I agree with the main parties that the proposal does not meet the Framework's exceptions that indicate which new buildings and which other forms of development are not inappropriate in the

- Green Belt¹. The Council does not object to the change of use of part of the office space, and it recognises that there is a need for the care home proposed.
13. Therefore, from everything I have read, seen and heard, the main issues are:
- A. the effect of the proposal on the openness of the Green Belt;
 - B. whether the proposal would preserve the grade II listed building The Priory, Stomp Road, and any of the features of special architectural or historic interest that it possesses;
 - C. the effect of the proposal on the setting of The Priory;
 - D. the effect of the proposal on the significance of the Burnham Conservation Area (CA);
 - E. the effect of the proposal on the living conditions of surrounding occupiers, with particular regard to privacy and air pollution at Walnut Tree Cottage; and,
 - F. whether the harm because of inappropriateness, and any other harm, would be clearly outweighed by other considerations to amount to the very special circumstances necessary to justify the development.

Reasons

A. The effect on the openness of the Green Belt

14. The parties agree that the proposal would not conflict with the purposes of the Green Belt described in the Framework. Nonetheless, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence².
15. The Planning Practice Guidance³ (PPG) suggests how the impact of a proposal on the openness of the Green Belt might be assessed. Most relevant here are the effects on openness, both spatially and visually, and the degree of activity likely to be generated, such as traffic.
16. Spatial impact on openness: The proposed extension of around 2,100m² of floorspace arranged on three floors, over an area of the site presently used as a car park, would, because of its volume and height, reduce openness significantly.
17. I note that the parties agreed that the tree-lined, northern site boundary would offer some containment of the spatial effect of the extension from the wider

¹ Para 149 & para 150, National Planning Policy Framework

² Paragraph 137, National Planning policy Framework

³ Paragraph 64-001 Planning Practice Guidance

- area of Green Belt, beyond the houses to the west, the community halls, and car park to the north. However, the siting and enclosure do not make a Russian doll argument. The lack of wider exposure does not relieve what would be a significant loss of openness in spatial terms, which would be discernible from various quarters, not least, from within the site itself.
18. Notwithstanding this, this part of the site is presently used as a car park. It already has some spatial effect on openness, from the parking of cars as well as from their movement. That the extension would stand on this ground rather than an undeveloped part of the gardens also needs to be taken into account.
19. Moreover, the proposal would more than halve the number of parking spaces presently across the whole site. I appreciate that the new arrangement would push some parking spaces closer to the site boundaries and concentrate groups of spaces. However, the effect of the repositioned spaces on openness would not, by comparison with the reduction in their number, be significant. More decisively, the reduction in the number of parking spaces and their dispersal would mitigate to a significant degree the proposal's spatial impact on the openness of the Green Belt.
20. Visual impact on openness: The measure of openness is not confined to the consideration of spatial dimensions; the visual effects of the height, footprint, and form of buildings, their positions on the site and their arrangement or layout, as well as the use of the spaces around the buildings, also have a bearing on openness.
21. Notwithstanding the enclosing effect of existing trees and buildings close to the northern boundary, because of the height, footprint, crown roof, and the projection back from the existing building, there would be no disguising the presence of the extension. Its advance towards the northern boundary would, by squeezing this space, make the volumetric loss of openness appear more pronounced. This visual effect counts against the proposal. However, there are several design factors which would help to mitigate or relieve the spatial effect on openness.
22. First, because of the similarity of its eaves and ridge heights and the size of its openings to the existing extension, these elements of scale would tend to make the proposed extension appear part of a single building, rather than a separate form, standing in isolation.

23. Second, one of the principal sides of the proposed extension would adjoin the existing building, rather than being set off from it in isolation. This lack of separation in siting would reduce the effect on openness.
24. Third, the footprint of the proposed extension would make a tee shape, the top bar of which would be well away from the existing extension. The articulation of mass in this shape of footprint, and its offset from the existing building, would lessen the impression of its size. All these visual effects would mitigate to a small degree the proposal's spatial impact on the openness of the Green Belt.
25. Activity: Both parties agree that the proposal would generate fewer traffic movements and less activity on site than the consented use. The appellant estimates that the proposal would lead to a reduction in vehicle movements during both peak hours and during the day of between around 60% to 70% of existing traffic. This reduction in movements would also positively affect openness over the present situation.
26. Drawing all these factors together, I conclude on this issue that, overall, the harm to the Green Belt from the reduction in openness would be no more than moderate. Nonetheless, it would conflict with the Framework's fundamental aim of Green Belt policy to prevent urban sprawl by keeping land open, as well as the essential characteristics of openness and permanence, and LP policies GB1, GB2, and GB4 where these are consistent with the Framework. The Framework requires that to any harm to the Green Belt, including from inappropriate development, which is, by definition, harmful, substantial weight be given. I return to this in the planning balance.

The significance of the listed building and the CA

27. The mission of this Tudor nostalgia trip reflects the social status of the building's owners, and the aspirations and historical preoccupations of the Buckinghamshire well-to-do in the early-mid C19. The commissioning force, in its own right, has substantial, social value and historic interest. Yet it is nothing compared to the significance of the architectural fantasy it realized.
28. The historic sections of this listed building betray its less pretentious origins as a double-pile house. Their Picturesque encapsulation by an assortment of monastically austere alterations arranged beguilingly around its southeast aspect must have made for an enchanting destination in enticing views from the carriage drive winding towards it.

29. The architectural theatrics are bold and delightful:- the soaring, octagonal stair tower, a landmark to rival the Church tower in views from the village; the central gable with clasping octagonal buttresses terminating in raised, crenellated turrets; the castellated parapets; head-stopped mouldings; heraldic sculpted panels; a figure in a chimney niche holding a chalice and a book; and the economic use of stonework for mouldings and openings, the main work of articulation and movement being beautifully executed in a quality, Gault brick.
30. Yet the indivisible counterpart to this work of architectural wonder, what powers up that architecture and projects it into the psyche was its landscape setting. We can lament that the original middle ground of the small country house estate has been fragmented or truncated. Lost or disconnected now are the entrance lodges, the woodland, the temples or pavilions, the drives, as well as the more utilitarian hot houses, stables, coach house, keeper's cottage, and orchard.
31. Nonetheless, and despite the shrinking of the boundaries of the former house to what may have once been no more than the extent of its foreground gardens, the surviving green, open, municipal space beyond to the south and north lend it something of the spatial grandeur of its former parkland setting. The openness of these spaces crystallise the displacement of the house from the core of the village and they connect it to the open countryside; its social and architectural backdrops. These are the riches that make this listed building significant.
32. The village developed on a spur off the London to Bath Road, becoming an important place for trade and commerce since the medieval period, with buildings in the High Street dating from the C16, and the church from the C12. The CA encompasses the tighter urban grain of the buildings enclosing the High Street to the north, the church in the centre, and the appeal site to the south.
33. The isolation of The Priory from the centre of the village and the church, and the size of the house and its grounds, add a social and historic dimension to the significance of the CA. The long view down the High Street to The Priory's tower is a kind of landmark, a gentle reminder, by place, of social status. The architectural distinctiveness of the listed building, together with its spacious settings, balance, both spatially and socially, the tighter grain of the village to the north, and add another layer of significance to the whole CA.

B. Whether the proposal would preserve the listed building

34. The change of use of the offices of the C20 extension to a care home and the connection works between new and old would not harm the typological or architectural significance of the listed building. This is concentrated in the historic section, which would remain as offices.
35. The proposed extension would be large. However, it would attach to the C20 extension rather than to the original house. It would stand behind the C20 extension, twice removed from the envelope of the more sensitive, original house. Moreover, the tee-shape of its footprint would distribute the accommodation across two, right-angled wings, reducing the concentration of bulk. Given the volume and height of the C20 extension, the distance of the proposed extension from the historic core of the building, and noting that it has not been used as a dwelling since the mid-C20, I find no harm in the use of the proposed extension, and no imbalance from the size of its footprint, nor its height, or the distribution of its mass. While it would be noticeable, the extension would not dominate the listed building.
36. I agree that the vertical grain of the proposed extension would appear broader than the last extension which reflects the more slender, vertical emphases of the original house. The gables of the proposal are wider and higher, the solid:void ratios of its elevations greater, and some of its ridges higher, than the C20 extension. However, none of these features are out of scale with the C20 extension. The shift in grain is subtle. Moreover, at this distance from the historic core of the listed building, I see no compunction to continuing the same close grain of the C20 extension; rather, the differentiation of a coarser grain would help the pair of extensions rest more gently on the eye, which searches for differences.
37. The uncovering of two, C20 internal door enclosures to restore the enfilade between the reception rooms on the ground floor would not harm the significance of the building. The removal of the C20 partition now blocking the stairway at the first-floor landing would improve the circulation of the building and its functional layout, and reveal more of the spatial significance of the building design. Subject to appropriate conditions to secure making-good, these internal layout works would return some of the building's lost significance; a benefit in historic environment terms.

38. The formation of a ramp to provide universal access into the historic section of the building would, subject to conditions to protect the fabric of the building, make it more accessible. Replacing the canopy over the entrance would restore some of its significance without conflicting with its historic integrity. These alterations would help to conserve the building.
39. I conclude on this issue that the works to the listed building would preserve its special historic and architectural interest, thus satisfying the requirements of the Act, paragraph 197 of the Framework, and the development plan policies insofar as relevant.

C. The effect of the proposal on the setting of the listed building

40. The spatial and typological character of the original house changed radically when the late C20 extensions were added. As a comparatively small country house standing in substantial grounds, the spatial character of the building changed then to a more connected building, part of a far larger complex of offices.
41. The reduction in the number of parking spaces and the dispersal of many of the remainder away from the building would restore some of the connection between the garden and the building, especially important to the southeast. I appreciate that some spaces would be re-sited close to the listed building. However, they would be relatively few. Overall, the parking changes would be a significant improvement in the setting of the listed building.
42. I note that the garden to the southeast would be subdivided by a high fence between the office and care home use. However, with some imagination in planting and levels, there is no reason why it could not be integrated sensitively into the landscape setting of the building.
43. Notwithstanding this, a critically important part of the historical and architectural significance of the house is the balance between the building and its landscape which the space around the building still gives to its setting. It reveals the typological and social importance of the garden to those who commissioned it, and it provides the foreground in which the beauty and interest of the original section can be experienced. It grounds the building in its genius loci.
44. The loss of the last remaining, unfragmented section of space in the setting to the north of the building would diminish the architectural significance of the

building and its special historic interest. This single spatial impact on the setting of the building counts against the proposal.

45. For this single reason the extension would harm the setting of the listed building, contrary to the Act, which requires special regard be had to the desirability of preserving the setting of a listed building. It would result in less than substantial harm to the historic and architectural significance of the listed building. It would conflict with policy CP8 of the South Bucks Core Strategy 2011 (CS) which protects the settings of listed buildings, and LP policies C6 and EP3 where they require development not to detract from the setting of a listed building and for the siting of buildings not to adversely affect the character of nearby properties.
46. It would also conflict with the Framework, which in paragraph 200, identifies the potential for harm to the significance of a designated heritage asset including from development within its setting, and which in paragraph 206 encourages development within the setting of heritage assets to look for opportunities to better reveal their significance.

D. The effect on the significance of the CA

47. The CA is characterised by the contrast and balance between the tight urban grain to the north, and the looser grain with more open space to the south. I can identify no harm from the appearance of the extension in the architectural context of the CA, whose enclosure would spare its prominence. However, the spatial balance in the CA would be diminished by the loss of the open space upon which the extension would stand, and by the reduction in the spatial setting of the listed building in this comparatively more spacious part of the CA. For these two reasons, the spatial character of the CA would be diminished.
48. The proposed development would not, therefore, preserve the spatial character of the CA, to the desirability of the preservation of which the Act requires that special attention shall be paid. This less than substantial harm would conflict with CS policy CP8 which protects designated heritage assets and LP policy C1 which requires development in conservation areas to preserve or enhance their character or appearance, as well as paragraph 197 of the Framework.

E. The living conditions of surrounding occupiers

49. Privacy from overlooking: The neighbouring house, Walnut Tree Cottage, has a first-floor bedroom window in the gable flank wall, on the appeal site boundary. In the proposed extension, the first and second-floor corridor windows, in front

of which residents would be able to sit and look out, would face towards this window, as well as towards the back garden of Walnut Tree cottage. Having visited Walnut Tree Cottage, and noting the density and coverage of the trees to be retained in the appeal site, and the distance of those windows from the gable flank, I do not consider there would be a material risk of loss of privacy by overlooking into the bedroom.

50. Similarly, the bedroom windows of the proposed extension would be sufficiently distant, screened by trees, and set at a sufficiently acute angle from the bedroom window of Walnut Tree Cottage not to present a significant risk of loss of privacy from overlooking into the bedroom.
51. Notwithstanding this, the proposal includes the removal of the high leylandii hedge standing along the back garden side boundary of Walnut Tree Cottage. The garden is laid out with a terrace area used for sitting out beside the back of the house. There is an unenclosed bath and exercise swimming pool close to the side boundary.
52. Without some replacement screening on the side boundary, there would be a risk of the occupiers of Walnut tree Cottage being overlooked to varying degrees when bathing or swimming, or sitting out. I appreciate that in settlements a degree of overlooking is generally accepted. Also, in this case, the more sensitive area of the back garden is close to the side boundary and rear of the house. I have also taken into account the distance of the bedroom windows of the proposed extension which look out towards Walnut Tree Cottage, and the risk of overlooking, which dissipates over distance.
53. However, given the number of bedrooms which would overlook the back garden, across two upper floors, and the way the occupiers of Walnut Tree Cottage use their garden, with no effective screen on the boundary there would be a significant risk of loss of privacy to the occupiers of Walnut tree Cottage, particularly while using their pools.
54. The appellant proposes to build a 2.4m high brick wall along the boundary after the removal of the hedge. This would restore some boundary screening, and privacy from visitors using the re-sited car park of the proposal. It would ensure an acceptable level of privacy for the occupiers of Walnut tree Cottage while using their pools.

55. The wall alone would not prevent complete overlooking of the remainder of the garden, particularly the sitting-out area, from the high-level bedrooms identified above. However, as pointed out to me on site, there would appear to be sufficient space between the car parking spaces and the boundary in which a planted screen could rise above the proposed wall. This would retain a lesser, but given the distances involved, an acceptable degree of privacy in the remainder of the garden. A planning condition could secure this.
56. Privacy from noise and disturbance: Without the leylandii hedge on the side boundary, there would be a significant risk of noise and disturbance to the occupiers of Walnut Tree Cottage in their garden, particularly the sitting out area and the pools, from the manoeuvring of cars turning and reversing, as well as the slamming of car doors from visitors and staff using the car park. A condition to secure the wall proposed by the appellant would reduce any risk of disturbance to an acceptable degree, consistent with the levels of privacy which characterise living conditions in settlements and which are generally accepted.
57. Air pollution: While the parking area of the proposal would be closer to Walnut Tree Cottage than the existing layout, there would be an estimated reduction in vehicle movements from 476 over 12 hours to 337 movements. In this context, and without substantive evidence to the contrary, I can identify no harm to the living conditions of surrounding occupiers from the air pollution of cars.
58. I conclude on this issue that, subject to planning conditions to secure the mitigation described above, there would be no loss of privacy to the occupiers of Walnut Tree Cottage and no material risk of harm to the health of surrounding occupiers from air pollution. There would be no conflict with LP policy EP3 which protects the amenity of nearby properties from the adverse effects of new development, nor with the Framework which seeks to ensure developments have a high standard of amenity for existing and future users.

F. Other considerations

59. Unmet need for care home accommodation: The Council accepts that the proposal would assist in meeting an unmet need for specialist accommodation for older people, but it disputes that more than moderate weight should be given to this positive aspect of the proposal.

60. The Council's Housing and Economic Needs Assessment⁴ (HENA) predicts that between 2016 and 2036 the population of those aged 75 or over will increase by around 64% (from 17,322 to 28,550)⁵. This demographic trend is reflected in more recently published, 2018 national data⁶ about the future demand for accommodation for older people. Together, the data suggests a sustained upward trend in the demand for accommodation for older people, which includes care home bed spaces.
61. I heard that during the period 2016-2036 in the South Bucks area there is an estimated need inferred from the HENA for 531 C2 bed spaces. This equates to around 26.5-bed spaces per year. Since 2016, that C2 need has amounted to 159-bed spaces, whereas the Council has approved only 112 C2-bed spaces, of which 86 were for care home bed spaces; a shortfall of 47 C2-bed spaces. If the projected 5-year C2 need at 26.5-bed spaces per year, or 5-year total of 132 bed spaces, is added to this historic shortfall of 47, then there will be a combined need within the next 5 years for 179 C2-bed spaces in South Bucks.
62. More specifically as regards local care home demand, I heard that the appellant's uncontested local survey, estimates a demand within a 3-mile catchment of the appeal site by 2027 for around 684 care home beds, whereas there are only around 553, an estimated shortfall by 2027 of 131 local, care home beds.
63. There is no substantive evidence of schemes coming forward to meet the unmet need for C2-bed spaces. Nor, given the time taken to secure planning approvals and to complete construction, and as the emerging Local Plan is in the early stage of preparation, is there any plan-led route to meeting this need likely to emerge in the very near future. This adds further weight to meeting the unmet need.
64. Moreover, CS Core Policy 2 says that the Council will support and encourage accommodation for older people including nursing accommodation. Indeed, it says that favourable consideration will be given to applications for such accommodation on sites used for employment, in sustainable locations within settlements, such as here. The PPG⁷, which describes the need to provide housing for older people as critical, also says that where there is an identified

⁴ Chiltern and South Bucks Housing and Economic Needs Assessment, April 2019, (HENA)

⁵ HENA, p6 fig 46

⁶ Office for National Statistics data release 29 June 2020: Household projections for England 2018

⁷ Planning Practice Guidance paras 63-001 & 63-016

- unmet need for specialist housing for older people, a positive approach should be taken to schemes that address this need.
65. A further consideration in meeting the need is the quality of the proposed care home accommodation in a purpose-built building or large conversion, whereas the appellant's survey indicates that around 1 in 5 of the local bed spaces would not meet modern standards. This too weighs in favour of the proposal.
66. In light of the identified local unmet need and the projected demographic trend, the additional 75-bed spaces in the proposal would make a large contribution to meeting the need for C2 care home accommodation in this area. This is a benefit to which I attach very significant weight.
67. General needs housing: The parties agree that the care home would contribute the equivalent of 41 homes to local housing supply, an important contribution when the present supply, both parties agree, amounts to no more than around 2.7 years. The care home would also release the former homes of its new residents. This would also alleviate the pressure on general needs housing supply. To this benefit, I attach significant weight.
68. Health and well-being: The care home would reduce the risk of social isolation and may reduce the potential call on the NHS as well as improve health and well-being of residents. This benefit attracts moderate weight.
69. Economic development and employment: The care home would be likely to generate 71 jobs directly, with further supply chain benefits from services providing support to residents. There would be economic benefits from the construction of the proposal and long-term benefits from spending in the local economy for goods and services. I give these benefits moderate weight.
70. Biodiversity: I agree with the parties that a 13% net gain in biodiversity on-site should attract moderate weight.
71. Location: Public transport services run within walking distance of the site and a large urban catchment close by would help to reduce the travel distance of potential staff. For residents and visitors, the services and facilities of the village are within distance of a pleasant walk. The convenience and sustainability of the location for the development attract moderate weight.
72. Historic environment: The principal benefit of the proposal in heritage terms would be securing the future use of the building, assuring its upkeep and maintenance. Retaining the historic section for offices would avoid the need for potentially harmful alterations to accommodate an alternative use in the most

sensitive sections of the building. These heritage benefits attract significant weight.

73. The improvement to the landscape of the building, particularly to the southeast, would greatly improve its setting. This heritage benefit attracts significant weight.
74. The other heritage benefits advanced, such as the reinstatement of the entrance canopy, the removal of modern screens and enclosures, the formation of level access, and the selective thinning of the boundary planting, because they could be carried out without the proposal, attract only less than moderate weight.

Other Matters

75. Habitats Regulations: The appeal site lies around 2.5km from the Burnham Beeches Special Area of Conservation (SAC), a 380-ha area of wood pasture containing ancient, pollarded trees. The appellant has prepared a Habitats Regulations Screening Assessment against the potential impacts of the development on the SAC. This concludes that, because of the location and landscaping in the proposal and the limited mobility of future occupiers, there would be no likely significant effects on the designated features of the SAC, either individually, or in combination with other projects. Both the Council and Natural England have accepted the assessment. I have no reason to disagree. There would therefore be no conflict with CS policy 9, nor with the Habitats Regulations.
76. Unilateral Undertaking: To mitigate the impacts of the development and to promote sustainable transport in the area, the Council has sought a planning obligation to secure a contribution of £50,000 towards improvements to pedestrian and/or cycling facilities on Stomp Road. I heard that this would be directed to the section between the appeal site and the commercial centre of the village. I saw at my site visit that there is a section of Stomp Road between the vehicle entrance to the site and the centre of Burnham in which the footway is extremely narrow, and likely to deter people from taking that route on foot.
77. However, the proposal would lead to a reduction in the amount of office space, and a proportionate reduction in the number of those occupiers likely to travel into the village. I appreciate that the occupiers of the care home, as well as staff and visitors, may walk or cycle into the village, but there is no evidence

that the number of trips made by them would be greater than the number under the use of the section for conversion.

78. I also saw that the proposal includes a new gate to the footpaths in Burnham Park, and the retention of an existing gate to the road behind the community centre, potentially shorter and more scenic routes into the centre. Whilst the lack of information about the rights of access to these routes limits the weight I can give them as alternatives, there is no evidence that the proposal would exacerbate the present situation in terms of the accessibility into the village.
79. Moreover, it is not clear whether the footway even could be widened without affecting the ability of the road to carry traffic. Neither are there any outline designs, details, costings, or even estimates of what the money would be spent on, nor even whether it would be on pedestrian or cyclist works or a combination of the two.
80. The Council has not demonstrated the transport impacts of the development which need mitigation, nor has it justified the amount sought. On the information before me, it has not been demonstrated that the contribution sought is necessary to make the development acceptable in planning terms, nor that it is fairly and reasonably related to the development in scale and kind.
81. The undertaking, therefore, fails the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. I do not, therefore, consider that it would be lawful to take it into account as a reason for granting planning permission.

Planning Balance

82. I have found that, subject to conditions, there would be no harm to the living conditions of surrounding occupiers from the proposal. With close regard to its significance, I have found that the works to the listed building would preserve its special historic and architectural interest.
83. Nonetheless, the proposal would harm the setting of the listed building as well as the character of the CA, to which harms the courts have determined, I must give considerable importance and weight.
84. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of the asset or from

- development within its setting and that any harm to the significance of a designated heritage asset should require clear and convincing justification.
85. Although the degree of harm to both heritage assets would, in the terms of the Framework, be less than substantial, a position shared by the appellant, this does not equate to a less than substantial planning objection, especially where the statutory tests have not been met. In these circumstances, paragraph 202 of the Framework anticipates that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal. I return to this below.
86. The parties agree that the proposal would amount to inappropriate development in the Green Belt. I have found that it would also result in no more than moderate harm to the openness of the Green Belt. In accordance with paragraph 148 of the Framework, to all these harms identified above, substantial weight should be given. I turn now to the considerations advanced in favour of the proposal.
87. Making a large contribution to meeting the need for C2 care home accommodation in this area attracts very significant weight. Moreover, the Framework⁸ indicates that small and medium-sized sites can make an important contribution to meeting the housing requirement of an area and that great weight should be given to the benefits of using suitable sites within existing settlements for homes. It also directs⁹ that substantial weight be given to the value of using suitable brownfield land within settlements for homes and other identified needs.
88. I note the Council's reference to the Written Ministerial Statement of December 2015 (WMS) and the Secretary of State's 2017 appeal decision¹⁰, and their concern about the weight to be given in Green Belt balances. However, that decision pre-dated the revised Framework which does not include this provision. Moreover, similar guidance in the PPG has been removed. Therefore, whilst the WMS is a material consideration the fact that this provision has not been translated into national policy, and the associated guidance removed, limits the weight I can accord it.

⁸ National Planning Policy Framework, paragraph 69(c)

⁹ National Planning Policy Framework, paragraph 120(c)

¹⁰ Appeal Ref: APP/M1520/A/14/2216062

89. The contribution of 41 homes at a time when the Council has no more than 2.7 years of supply attracts significant weight. The health and well-being, employment and economic benefits, biodiversity gains, and the sustainability of the location attract moderate weight. While many of the heritage works attract less than moderate weight, securing the use of the building and restoring some of its former landscape settings attract significant weight as public benefits.
90. Overall, the other considerations above would clearly outweigh the harm to the significance of the heritage assets and to the Green Belt. Looking at the proposal as a whole, I consider that very special circumstances exist which justify the development.

Conclusions

91. The Council cannot demonstrate the 5-year supply of housing sites required by the Framework. Consequently, the approach to decision-making set out in paragraph 11(d) of the Framework is engaged. Footnote 7 identifies policies in the Framework that are relevant to this approach, including heritage assets and land designated as Green Belt. In this case, I have found that the public benefits of the proposal would outweigh the less than substantial harm to the heritage assets and that very special circumstances exist. Therefore, approving the proposal would be consistent with those policies of the Framework that relate to heritage assets and the Green Belt.
92. The adverse effects and the benefits of the proposal are set out above in my planning balance. For the same reasons, I conclude that the adverse effects of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.
93. The approach to decision-making set out in the Framework is a material consideration that outweighs the conflict with the development plan. Accordingly, and having considered all matters raised, the appeals are allowed.

Conditions

94. I have considered the conditions agreed between the parties, and as discussed during the Hearing, against the advice in the PPG and adjusted their wording and timing to reduce the burden of unnecessary submissions and processing of further applications where sufficient information has already been provided or is covered by other conditions.

95. In addition to the statutory time condition (1) in the planning permission, a condition listing the approved drawings (2) is needed to ensure clarity on what has been permitted. A condition for a construction method statement (3) is necessary to protect the amenity of surrounding occupiers and to safeguard highway safety. To be effective, this needs to be agreed upon before any clearance or demolition.
96. While the drawings indicate floor levels above the ground floor, there is no controlling reference to ridge levels. There also needs to be a verifiable, common datum so I have applied condition (4) requiring reference levels, including the roofs, to Ordnance Datum. The design details of the extension are not fully resolved. I have therefore applied condition (5) to control the quality of the detailed design of the extension. Given the architectural sensitivity of the context, especially the Gault brick and the roofscape of the historic section of the building, a condition (6) for a sample panel of the external building finishes is warranted to ensure their suitability. External mechanical and electrical services need to be controlled to protect the appearance of the building and the living conditions of surrounding occupiers, hence condition (7) to secure details. These conditions do not need to be pre-commencement, but because of procurement lead-in and coordination constraints, they should be resolved before the building rises above the ground slab.
97. As discussed above, without the proposed wall beside Walnut Tree Cottage the development would not provide sufficient privacy. Therefore, to make the development acceptable, condition (8) is necessary to secure its erection. As the necessity for the wall is the protection of privacy from the use of the relocated parking spaces as well as from the new use in the building, the triggers for implementation are therefore the use of the spaces or the occupation of the care home; whichever occurs first.
98. It appears that despite the work in preparing a drainage strategy, it is not fully resolved. Hence, to protect health and to prevent flooding, conditions (9) and (10) are necessary to secure effective drainage and its maintenance. Notwithstanding the materials schedule, to ensure a consistent and satisfactory appearance of hard landscaping in the setting of the building and to reduce the risk of flooding, a condition (11) for the details of hardscape materials and their permeability is necessary. Condition (12) to provide and retain the parking and

turning areas is necessary to reduce the risk of damage to the grounds from uncontrolled parking, and to protect the living conditions of surrounding and future occupiers. Details conditions for boundary treatments (13), a soft landscape scheme (14), refuse (15) and bicycle (16) stores, and any external lighting proposed (17), need to be applied to protect the privacy of surrounding occupiers and to ensure satisfactory appearance in the setting of the listed building. Given the importance of trees and plants to the setting of the building, soft landscaping also needs to be conditioned for replacement planting should new planting die within 5 years of the development. The design of the boundary to be formed between the two uses in the grounds necessitates sensitive consideration to preserve the setting of the building. Hence, I have applied condition (18) to secure appropriate details. To promote biodiversity, to reduce single occupancy journeys by private car, and to address the environmental dimensions of the development, conditions for ecological improvements on-site (19) and a Travel Plan Statement (20) are necessary. None of the details prompted by these conditions needs to be resolved any earlier than before the occupation of the new development.

99. Because of the employment aspect of the development, and to protect the setting of the listed building, it is necessary to control by condition (21) the use of the development as a care home or nursing home for people aged 55 and over. Condition (22) is necessary to ensure it is clear which trees are for felling.
100. The works directly affecting the listed building are vague, though acceptable in principle. Given the sensitivity of the fabric of the building and the spaces in which these works are proposed, condition (2) in the listed building consent to secure their full details is necessary to protect the special historic and architectural interest of the building. Similarly, condition (3), to ensure any making good or minor repairs resulting from the consented works are implemented is also necessary. To secure their implementation, these conditions need to bite before the occupation of the care home.

Patrick Whelan
INSPECTOR

Appearances

FOR THE APPELLANT:

Douglas Bond

Planning Consultant and Principal,
Woolf Bond Planning LLP

Victoria Brocksopp

Heritage Consultant and Director,
RPS Group

FOR THE LOCAL PLANNING AUTHORITY:

Richard Regan

Principal Planning Officer,
Buckinghamshire Council

Morwenna Breen-Haynes

Senior Heritage Officer,
Buckinghamshire Council

INTERESTED PARTY:

Mrs Light

Walnut Tree Cottage

Schedule of conditions

Appeal A Ref: APP/N0410/W/22/3291352

- 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 drawings:

2020/PR/01	rev A	Location Plan
2020/PR/20	rev D	Existing Site Plan
2020/PR/21	rev A	Existing Lower Ground Floor Plan
2020/PR/22	rev A	Existing Ground Floor Plan
2020/PR/23	rev A	Existing First Floor Plan
2020/PR/24		Existing Second Floor Plan
2020/PR/25		Existing Roof Plan
2020/PR/26		Existing East Elevation
2020/PR/27		Existing West Elevation
2020/PR/28	rev A	Existing North Elevation
2020/PR/29		Existing South Elevation
4485_WRD_XX_00_DR_A_0500	P06	Proposed External Works
4485_WRD_XX_00_DR_A_0200	P06	Proposed GA Plan Level 00 – Ground Floor Plan
4485_WRD_XX_01_DR_A_0201	P06	Proposed GA Plan Level 01 – First Floor Plan
4485_WRD_XX_02_DR_A_0202	P07	Proposed GA Plan Level 02 – Second Floor Plan
4485_WRD_XX_03_DR_A_0203	P02	Proposed GA Plan Level 03 – Roof Plan
4485_WRD_XX_ZZ_DR_A_0300	P07	Proposed GA Elevations
2020/PR/16	Rev C	Proposed Site Plan. Refuse Vehicle Turning Circle
2019/PR/30		Proposed Canopy. Site Plan
2019/PR/31		Proposed Canopy. Proposed Elevation
Unnumbered	Rev 1	Tree Protection Plan 5th October 2020

BEFORE DEMOLITION OR CLEARANCE

- 3) No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:-
 - i) the working hours on-site of construction workers during the construction of the development
 - ii) details of construction vehicle routeing to and from the site via the wider strategic road network
 - iii) provisions for loading, unloading and storage of plant and materials within the site
 - iv) storage of plant and materials for constructing the development
 - v) provision of wheel washing facilities at the site exit and general precautions to prevent the deposit of mud and debris on the adjacent highway
 - vi) details of access to the site, including means to control and manage access and egress of vehicles to and from the site for the duration of construction
 - vii) details of the construction programme and a schedule of traffic movements and timings related to the construction works
 - viii) site compound details

- ix) delivery, demolition and construction working hours
- x) measures to ensure the safety of all users of the public highway especially cyclists and pedestrians in the vicinity of the site and especially at the access

The approved Construction Method Statement shall be adhered to throughout the construction period, which includes demolition, site clearance, groundworks, and superstructure phases of development.

BEFORE CONSTRUCTION ABOVE GROUND FLOOR SLAB LEVEL

- 4) Before construction above ground floor slab level, details of the finished floor and roof levels above Ordnance Datum, of the proposed extension, in relation to existing ground and roof levels shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels and thereafter retained.
- 5) Before construction above ground floor slab level, and notwithstanding condition 2, design details of the extension at a scale of not less than 1:10 of its:-
 - i) verges, eaves and ridges
 - ii) window and door reveals
 - iii) parapets and dormers, and the
 - iv) section which connects to the existing buildingshall have been submitted to and approved in writing by the local planning authority. The construction of the extension shall be carried out in accordance with the approved details.
- 6) Before construction above ground floor slab level, a sample panel shall have been prepared on site for inspection and approval in writing by the local planning authority. The sample panel shall be at least 1.5 metres x 1.5 metres and shall show:-
 - i) facing brickwork showing the proposed bricks, face-bond, joint profile and colour, special courses,
 - ii) roof finishes
 - iii) any metal wall finishes linking the extension to the existing buildingThe development shall be constructed in accordance with the approved sample panel, which shall not be removed from the site until the completion of the development.
- 7) Before construction above ground floor slab level, details of any external plant, mechanical ventilation and extraction equipment, including their location, their screening, and the associated sound levels and any necessary means of noise mitigation, as well as details of any external piping and rainwater goods and their locations, shall have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and retained thereafter.

BEFORE USE/ OCCUPATION

- 8) Before the use of the 11no. parking spaces adjacent to the western boundary of the site where it adjoins the land of Walnut Tree Cottage, or before the occupation of the care home, whichever is the sooner, details of the siting, dimensions, piers, materials, bonding, mortar and joint profile of the proposed brick wall, 2.4m high, as indicated on drawing 4485_WRD_XX_00_DR_A_0500 P06 Proposed External Works, shall have been submitted to the local planning authority and approved in writing.

The wall shall be erected in accordance with those details before the use of the 11no. parking spaces, or before the occupation of the care home, whichever is the sooner, and it shall be retained thereafter.

BEFORE OCCUPATION

- 9) Before the occupation of the care home, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall include:

- i) water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above-ground sustainable urban drainage system (SuDS) components
- ii) groundwater level monitoring over the winter period (from November to March)
- iii) if infiltration is unviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 056 of the Planning Practice Guidance
- iv) full construction details of all SuDS and drainage components
- v) detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- vi) calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- vii) calculations must demonstrate a half drain time within 24 hours for the 1 in 30-year event
- viii) details of proposed overland flood flow routes in the event of system exceedance or failure, with a demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- ix) flow depth
- x) flow volume
- xi) flow direction

The scheme shall subsequently be implemented in accordance with the approved details before the occupation of the care home.

- 10) Before the occupation of the care home, a whole-life drainage maintenance plan for the site must be submitted to and approved in writing by the local planning authority. The plan shall set out how and when to maintain the full drainage system (e.g., a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan submitted shall also include as-built drawings and photographic evidence of the drainage scheme carried out by a suitably qualified person to serve as a record and verification that the works have been implemented in accordance with the approved drainage scheme. The plan shall be implemented in accordance with the approved details.
- 11) Before the occupation of the care home, details of the materials (including a materials schedule) to be used in the construction of any areas of hard surfacing hereby permitted shall be submitted to and approved in writing by the local planning authority. Hard surfacing details shall include details of permeability. The development shall be carried out in accordance with the approved details and shall be retained thereafter.
- 12) Before the occupation of the care home, spaces shall have been laid out within the site in accordance with drawing no.4485_WRD_XX_00_DR_A_0500_P06 Proposed External Works, for cars to be parked, and for vehicles to turn, and those spaces shall thereafter be kept available at all times for the parking and turning of the vehicles of visitors, staff, guests or residents of the care home and offices.
- 13) Before the occupation of the care home, details of proposed boundary treatments on the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained thereafter.
- 14) Before the occupation of the care home, a soft landscaping scheme, which shall be informed by the approved Illustrative Landscape Strategy drawing no: CSA/4556/105 revD, shall be submitted to and approved in writing by the local planning authority. The soft landscaping scheme shall include details of:-
 - i) existing trees, shrubs and hedgerows on the site that are to be retained.
 - ii) existing trees, shrubs and hedgerows on the site that are to be removed.
 - iii) new trees and shrubs and hedgerows including planting heights, spacing and species.
 - iv) a planting screen above the wall proposed on the western boundary of the site where it adjoins the land of Walnut Tree Cottage
 - v) existing contours and any proposed alteration to ground levels such as earth mounding shall also be provided.
 - vi) a maintenance and management plan for the planting in the landscaping scheme to ensure that it is maintained over the lifetime of the development.

The completed scheme shall be managed and maintained in accordance with the approved scheme of management and maintenance.

All planting, seeding or turfing comprised in the approved details of the soft landscaping scheme shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial

completion of the development, whichever is later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 15) Before the occupation of the care home, details of the new refuse store, including its design and the materials and finishes of its enclosure, shall be submitted to and approved in writing by the local planning authority. The store shall be provided in accordance with the approved details before the care home is occupied and shall thereafter be retained solely for use as a refuse store.
- 16) Before the occupation of the care home, details of the new bicycle store, including its design and the materials and finishes of its enclosure, shall be submitted to and approved in writing by the local planning authority. The store shall be provided in accordance with the approved details before the care home is occupied and shall thereafter be retained solely for use as a bicycle store.
- 17) Before the occupation of the care home, details of any external lighting proposed shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained thereafter.
- 18) Before the occupation of the care home, and notwithstanding condition 2, full design details at a scale of not less than 1:10, including planting plants and schedules, fence materials and appearance where appropriate, of the proposed barrier between the care home garden and the offices garden as shown on drawing 4485_WRD_XX_00_DR_A_0500_P06 Proposed External Works shall have been submitted to and approved in writing by the local planning authority. The construction of the barrier shall be carried out in accordance with the approved details and shall be retained thereafter.
- 19) Before the occupation of the care home, an Ecological Design Strategy (EDS) addressing ecological enhancement measures (as illustrated in the Illustrative Landscape Strategy, CSA/4556/105 Rev D) shall have been submitted to and approved in writing by the Local Planning Authority. The EDS shall include:-
 - i) purpose and conservation objectives for the proposed works.
 - ii) review of site potential and constraints.
 - iii) detailed designs and/or working methods to achieve stated objectives
 - iv) extent and location/area of proposed works on appropriate scale maps and plans.
 - v) type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - vi) timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - vii) persons responsible for implementing the works.
 - viii) details of initial aftercare and long-term maintenance.
 - ix) details for monitoring and remedial measures.
 - x) details for disposal of any wastes arising from works.The EDS shall be implemented in accordance with the approved details and all features shall thereafter be retained.

- 20) Before the occupation of the care home, a Travel Plan Statement for the site shall have been submitted to and approved in writing by the Local Planning Authority. This shall set out measures to reduce single occupancy journeys by private car and indicate how such measures will be implemented and controlled. The approved Travel Plan Statement shall be implemented upon the occupation of the care home and thereafter maintained for the duration of the development.

PERFORMANCE CONDITIONS

- 21) The care home hereby approved shall be used as a care home or nursing home for people aged 55 years and over, and for no other purpose (including any other purpose in Class C2 as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification.
- 22) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner other than in accordance with the approved drawings and the arboricultural report dated 5 October 2020, rev 1 by Andrew Day, and the Illustrative Landscape Strategy, CSA/4556/105 Rev D, without the prior written approval of the local planning authority. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

END OF SCHEDULE OF CONDITIONS Appeal A Ref: APP/N0410/W/22/3291352

Schedule of conditions

Appeal B Ref: APP/N0410/Y/22/3291353

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Before the occupation of the care home, and notwithstanding drawing 2019/PR/30 Proposed Canopy. Site Plan and drawing 2019/PR/31 Proposed Canopy. Proposed Elevation, fully detailed drawings of the design of the external canopy and the external ramp, balustrade and external stair, shall have been submitted to and approved in writing by the local planning authority. The details shall include:-
- i) structural support
 - ii) materials
 - iii) finishes
 - iv) flashings
 - v) drainage
 - vi) mouldings
 - vii) movement joints
 - viii) junctions between new and existing work, and
 - ix) the integration of any services or lighting or safety signage/markings at scales of 1:5 1:10, and 1:20, as appropriate. The works shall be carried out before the occupation of the care home and in accordance with the approved details.

- 3) Any existing building fabric damaged by the works in this consent to
- i) remove the first-floor, stair partition
 - ii) re-open the sealed-up, ground-floor doorways, and
 - iii) form the entrance canopy, entrance ramp and stair
- shall be made good in materials, finishes, profiles and colours to match the surrounding material and finishes before the occupation of the care home.

END OF SCHEDULE OF CONDITIONS Appeal B Ref: APP/N0410/Y/22/3291353