



Appeal Decision

Site visit made on 17 February 2023

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/C1435/W/22/3296480

Land at Sharnfold Farm (Hailsham Road frontage), Hailsham Road, Stone Cross BN24 5BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Hop Farm Real Estate against the decision of Wealden District Council.
 - The application Ref WD/2020/2047/MAO, dated 3 November 2020, was refused by notice dated 10 November 2021.
 - The development proposed is described as *'Outline planning application for the erection of up to 31 dwellings (including affordable homes), together with ancillary infrastructure including the provision of public open space, structural landscaping, parking and circulation facilities and the management and protection of the water/ecological environments. With the exception of means of access, all matters are reserved'*.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 31 dwellings (including affordable homes), together with ancillary infrastructure including the provision of public open space, structural landscaping, parking and circulation facilities and the management and protection of the the water/ecological environments at land at Sharnfold Farm, Hailsham Road, Stone Cross BN24 5BU, in accordance with the terms of the application ref WD/2020/2047/MAO, dated 3 November 2020, and the plans submitted with it, and subject to the conditions set out in the attached Schedule.

Costs Application

2. An application for costs was made by Hop Farm Real Estate against Wealden District Council. This application is the subject of a separate decision.

Preliminary Matters and Main Issues

3. The application made is in outline form with matters of layout, scale, appearance and landscaping reserved for future consideration. As such, for the purposes of this appeal only access falls to be determined at this stage.
4. The Council refused planning permission for three reasons. However, during the appeal process the Council chose not to defend Reason no 3, concerned with flood risk, and also the part of Reason no 2, which had suggested that the scheme would adversely impact on the local road network due to resultant .
5. In light of the above the main issues in this appeal are:

6. Whether the site is in a suitable location for new housing development in the context of local and national planning policy for the provision of housing.
7. The effect of the proposed development on the character and appearance of the surrounding area; and
8. The suitability of the proposed access to the development.

Reasons

Location

9. The appeal site is an open green field, screened along its boundaries by hedging. It is set off the classified Hailsham Road (B2104). There is a series of residential properties beyond the site's western boundary with a public house and car park adjacent to its eastern boundary.
10. The local development plan comprises the Wealden Local Plan (LP), adopted in 1998, the Wealden District Core Strategy (CS), adopted in 2013 and the Affordable Housing Delivery Local Plan (2016). The site is located outside of the development boundary for Stone Cross. Here, saved LP policy GD2 is applicable in saying that residential development is generally resisted outside of the development boundaries, whilst saved LP policy DC17 is even more definite in saying that housing outside the development boundaries will not be allowed unless it conforms with other policies in the 1998 Local Plan.
11. However, the Core Strategy, which post dates the Wealden Local Plan accepts that the development boundaries, as set out in 1998 Plan, will need to be breached to deliver the level of housing required. On this basis developing the land for housing would not necessarily be in conflict with the spatial strategy of the LP as a whole. CS Policy SPO3 which post dates the LP, indicates that new housing will be provided by, amongst other things, sustainable extensions to existing towns including development focussed 'in and around' Stone Cross.
12. CS policy WCS6, which is concerned with a rural areas strategy, also illustrates that Stone Cross has significant growth potential.
13. Here, the appeal site is very close to the development boundary of Stone Cross, which is a 'service centre' with a range of jobs, services and facilities to serve nearby communities and the wider rural area. To promote sustainable modes of transport other than the private car the appellant intends, by way of a planning obligation, to provide financial contributions towards improvements to local bus services and also improvements to the nearest bus stops along Hailsham Road. A Travel Plan is also intended to be submitted to the Council for written approval.
14. The development would provide a link to the existing footpath network providing pedestrian access to the services in Stone Cross, which includes a school, shops, hairdressers, takeaway, pharmacy, doctor's surgery, veterinary surgery, a public house and a church. These are situated between 0.5km and 0.65km from the site. The link would also give pedestrian access to the existing bus stops on Hailsham Road.
15. Turning to the Council's land supply for the delivery of new housing the Council acknowledges that it cannot demonstrate a five year supply of housing land, and I understand that the current shortfall is significant at nearly 2,000 homes.

Both parties have made reference to a nearby development proposal for outline permission for up to 22 dwellings. Following the Council refusing planning permission in 2020 the decision was appealed. The appeal (APP/C1435/W/22/3297976) was unsuccessful with the decision being issued in December 2022. In his decision letter, the Inspector mentions that Wealden District Council claims to have only a 3.66 years' supply of deliverable housing sites.

16. In such circumstances the benefit of providing new homes should be afforded due weight, and paragraph 11d of the National Planning Policy Framework (the Framework) is engaged. The document here advises that planning permission should be granted unless the costs of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
17. The Council contends that CS policy WCS2 sets out a level of anticipated growth for Stone Cross at 650 dwellings per annum, and this number has already been exceeded. However, CS Policy WCS4 expresses this figure as 'at least' this number of homes whilst CS Policy SPO3 aims to provide 'at least' 9,440 homes in Wealden District. Both these figures are based on housing growth but this does not reflect up-to-date full objectively assessed housing need.
18. I find that the proposal would accord with the spatial strategy of the development plan and the contemporary advice within the Framework when taken as a whole. The principle of residential development complies with CS Policy SPO3 whilst also complying with CS Policies SPO7 and WCS14 in that the location of the houses would potentially lessen the need to travel by car, support sustainable modes of travel and support facilities and services to improve social, economic and environmental conditions in the area.
19. Accordingly, I conclude that the appeal site represents a suitable location for housing and the principle of the residential development is thereby acceptable.

Character and appearance

20. With reference to the submitted indicative layout plan the existing vegetation would be largely retained and enhanced and this would serve to mitigate the effects of the development from the public highway and footpath network.
21. In terms of the quantum of development proposed ie up to 31 residential units I consider that the proposed density, as taken from the indicative site layout plan, would reasonably facilitate a satisfactory layout that would not adversely impact on the surrounding area. Further, the illustrative layout would facilitate the enhancement of existing landscape features and an appropriate degree of on-site planting, landscaping and green space amenity.
22. In its representations the Council correctly comments that good design, as promoted by the Framework, and which is sympathetic to local character and landscape setting, is a key aspect of sustainable development. It then goes on to say that the proposal would result in significant and demonstrable harm to the character of the area due to the nature and amount of the development proposed. However, this assertion is not explained, let alone justified. Besides, layout, scale, appearance and landscaping are not up for determination at this stage and, the indicative layout plan aside, it is not

necessarily the case that the maximum number of 31 residential units would ultimately be accommodated in the scheme. Accordingly, I find that the proposal is consistent with the aims and objectives of LP policy EN27. Further, given the circumstances I have described I am also unclear how the Wealden Design Guide is applicable at this stage.

23. The appellant has produced a Landscape Character and Visual Impact Assessment in support of the proposal. The report highlights that the proposal would see the retention, and enhancement, of features which provide a sense of enclosure within the Site, namely the mature tree belts adjacent to its boundaries, and will ensure replacement of any vegetation lost to facilitate the site access. It goes on to say that there will be no residual loss of any landscape features valued in published assessments at a national, regional or local scale.
24. In terms of adverse effects a section of the boundary hedging fronting Hailsham Road will be cut away to allow for the necessary visibility splays to be incorporated into the access. Also, residents at Sharnfold and walkers using the public right of way within the site will lose the open views currently enjoyed across an undeveloped pastoral field framed by mature tree belts. However, there will be no change to the views across the Sharnfold farmland towards Stone Cross with the distant South Downs Scarp forming the backdrop to the view.
25. The Assessment concludes that, in time, the new landscape structure within the Site will mature to provide an appropriate extension to Stone Cross which will sit well with the scale of landform and landscape pattern. The scheme proposals provide the ability to include adequate and appropriate mitigation for the loss of hedgerow and open pastoral land to protect the setting of Stone Cross.
26. I consider that the proposal has the design potential to be sympathetic to the area's prevailing local character, including the existing development to the west of the site and the landscape setting. On this basis I would expect the scheme to establish a strong sense of place with respect to the site arrangement and spaces to create attractive and distinctive places to live.
27. I conclude that the proposal would be consistent with the aims and requirements of LP policies EN8 and EN27 and the development would not cause unacceptable harm to the character and appearance of the surrounding area.

Access

28. Access means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.
29. The access takes the form of a priority junction with a width of 5.5m and 9m bell mouth radii. Tracking drawings have also been produced to demonstrate that the access can accommodate large refuse vehicles. The proposed visibility splays measuring 2.4m x 120m either side of the access are in accordance with

national guidance. East Sussex County Council, the local highway authority (LHA), considers that the scale and design of the access both to and from Hailsham Road is satisfactory.

30. Although the proposed access arrangements are acceptable in principle they will need to be subject to the standard road safety audit procedure. The access will also need to be constructed in accordance with ESCC specifications with all works carried out by an approved contractor by way of an agreement under s278 of the Highways Act.

Other Considerations

Planning obligation

31. The appellant has produced a unilateral undertaking (UU) under the provisions of s106 of the 1990 Act as amended. This provides for a new access to be created into the site from Hailsham Road, a 2m wide footway on either side of the access and extending into the site and an upgraded footway on the north side of Hailsham Road to connect the site access with the existing pedestrian facilities to the east. In addition, financial contributions are being offered towards improvements to the bus stops along Hailsham Road, with a £1,000 per dwelling payment to provide improvements to bus services in the area. In addition, a contribution towards off-site youth and adult recreation space in Stone Cross, and on-site open space and play areas to be retained in perpetuity.
32. An element of the UU is in respect of contributions towards local bus services and also bus stop improvements. It is likely that the obligation in this respect results from the LHA which, when consulted on the planning application, commented that the bus stop infrastructure, along with access to it, is of concern. Accordingly, a number of improvement works required to both the northbound and southbound were highlighted.
33. The LHA mentioned that other developments in the area have been subject to a financial contribution of £1,000 per dwelling to provide improvements to bus services in the area. However, that contribution is limited to improving bus services actual services and not the additional costs of the improvements to the two bus stops for which here an additional contribution of £25,000 is offered. Although the LHA did not raise objections to the latter amount the Council, by way of an e-mail dated 2 February 2023, considers that the number of measures to achieve the improvements set down in the case report, and the likely costs of such, would suggest that the £25,000 falls short of that required to achieve the improvements.
34. However, although a list of recommended improvements have been set out by the Council the appellant says that full details of such have yet to be clarified, confirmed or justified. The improvements clearly are justifiable and I have had regard to the appellant's point that they have been costed out by the appellant's transport consultant. In the current absence of any costings by the LHA I am unable to adjudicate on this point. Nonetheless, given the s278 agreement that will be required this matter can be revisited when full costings are known, and I note that the appellant is offering to amend the proposed £25,000 contribution, if necessary, by way of a Deed of Variation.

35. For the above reasons I am satisfied that the obligations are necessary, directly related to the development, and fairly related in scale and kind, and comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), paragraph 57 of the Framework and relevant advice in the government's planning practice guidance (PPG).

Affordable Housing

36. The appellant's planning obligation would also secure 35% of the proposed dwellings as affordable housing (AH) on the site, with the number and type of affordable dwellings to be agreed with the Council at a reserved matters stage. This would help to meet an identified and significant local affordable housing need. I am therefore satisfied that this aspect of the planning obligation would be reasonable, necessary and proportionate and make the proposal acceptable in planning terms.

Effect on the Pevensy Levels Special Site of Scientific Interest (SSSI), Special Area of Conservation (SAC) and Ramsar site.

37. The Council reconsulted Natural England during the appeal process for purposes of clarification. In its letter of response of 2 November 2022 NE confirmed that it had originally raised concerns around the impact that both foul and surface water from the proposed development could have on the SSSI, SAC and Ramsar site. Further information was then requested from the appellant which, when assessed, caused NE to lessen its concerns as to the proposal's impact.
38. The letter then goes on to confirm that NE is wholly satisfied that provided the mitigation measures offered by the applicant were appropriately secured there would not be an adverse effect on the Pevensy Levels sites. Accordingly, NE had no objection to the proposal.
39. The Council, as the competent authority at the application stage, has already carried out an appropriate assessment which concluded that, when considered on its own or in combination, subject to appropriate mitigation there would be no adverse effects on the said Special Areas of Protection. Appropriate measures are being required through planning conditions and, as I agree with the Council's approach, it is not necessary for me to replicate the assessment already undertaken.

Representations from interested parties

40. I have had due regard to the many representations made by interested parties and, in particular, the various grounds of objection. I have largely covered these points in my reasoning and I must also stress that, following refusing planning permission, the Council then decided not to offer evidence on certain aspects such as the effects of traffic generation.
41. Although I have taken into account the concerns of local persons these do not outweigh the benefits of what I consider to be a justifiable development for the various reasons I have highlighted.

Planning Balance

42. I have already outlined why new residential development outside the 1998 LP development boundaries is not necessarily in conflict with relevant planning

policies, and the government's advice and guidance on such which is to significantly boost the supply of homes and meet specific housing needs, particularly for affordable housing. Housing development on this small to medium sized windfall site, in a sustainable location, and with improvements planned in this regard, would make a notable contribution to meeting housing requirements. The intended schedule of accommodation and variety of dwelling types would also allow occupation by single persons through to families of varying sizes.

43. Although only access to the site falls to be determined at this stage I have also concluded that the indicative site layout plan and the substantial retention of landscape features plus the potential for additional planting and landscaping, would safeguard the character and appearance of the wider area and allow for specific mitigation where necessary. These are matters reserved for future determination.
44. On balance, I find that the costs of the scheme do not outweigh its substantial benefits.

Conclusion and Conditions

45. For the above reasons, and having had regard to all matters raised, I conclude that the appeal should succeed.
46. In terms of conditions, apart from the standard time limit requirements for outline planning proposals, a significant number have been suggested by the Council and assessed by the appellant. On this basis, I must agree with the appellant that the recommended condition relating to the identification of the market dwellings will be addressed when layout, as a reserved matter, is up for determination. At that time both the market and affordable housing units will be identified. Also, the suggested condition relating to the adoption of the roadways by the LHA, or otherwise, is a matter to be decided at a later stage.
47. In the absence of details at this point I am imposing certain pre-commencement conditions. These include the requirement for a programme of archaeological works, the submission of a Construction Management Plan, the submission of details relating to the incorporation of water and energy efficiency measures, along with surface water and foul drainage.
48. Additional conditions relating to the submission of drainage measures, outfall and SuDS, flood risk details, possible land contamination, a landscape management plan, a wildlife management plan, and the production of a Travel Plan are reasonable and necessary to ensure that the development will function properly.
49. Conditions will require that the vehicular access is constructed before the development is occupied, the provision of car parking spaces, that the development shall be implemented in accordance with the recommendations of the Preliminary Ecological Appraisal and Reptile Survey undertaken, and the protection of the site's trees and hedgerows are similarly both reasonable and necessary to protect interests of acknowledged importance.
50. A condition is imposed regarding permissible demolition and construction times and also one which prohibits any external lighting without the Council's written approval.

Timothy C King

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- 4) No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4 to the written satisfaction of the Local Planning Authority.
- 5) No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
 - The anticipated number, frequency and types of vehicles used during construction.
 - The method of access and egress and routeing of vehicles during construction.
 - The parking of vehicles by site operatives and visitors.
 - The loading and unloading of plant, materials and waste.
 - The storage of plant and materials used in construction of the development.
 - The control of run-off
 - The erection and maintenance of security hoarding.
 - The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders).
 - Details of public engagement both prior to and during construction works.

- A scheme for the control of noise and dust.
- 6) During the demolition and construction phases, no audible works shall take place other than within the hours Monday to Friday 0800 to 1800 hours, Saturday 0800 to 1300 and not at all on Sundays or Bank Holidays. Prior written approval shall be obtained from the Local Planning Authority to conduct audible works outside of the hours specified.
 - 7) Before preparation of any groundworks or foundations for the development hereby approved, full details for the incorporation of water and energy efficiency measures, the promotion of renewable energy and sustainable construction within the development shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and thereafter so retained.
 - 8) Before preparation of ground levels of the development approved by this permission a scheme for the provision and implementation of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such works shall be implemented to the reasonable satisfaction of the Local Planning Authority before the associated buildings to which they relate are occupied. Any works required to upgrade the infrastructure sufficiently to provide capacity for the new development shall be undertaken prior to acceptance of the development's foul sewerage.
 - 9) Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority.

The surface water drainage system shall incorporate the following:

- a. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the greenfield runoff rates for rainfall events with an annual probability of occurring greater than 1 in 2.33 and mean annual discharge (Q_{bar}) for rainfall events with an annual probability of occurrence less than 1 in 2.33, including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations.
- b. The detailed design of the surface water drainage features (underground tanks/pond and swales) shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.
- c. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. The drainage shall be provided in accordance with the approved details before first occupation of the related dwellings.

- 10) A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance.

The management plan shall cover the following:

- a. Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development. These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.
- 11) The applicant shall detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or be incorporated into the Construction Management Plan for the development.
 - 12) Prior to the construction of the outfall, a survey of the condition of the watercourse which the outfall will discharge directly into shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse shall also be included and, if approved by the Local Planning Authority implemented accordingly.
 - 13) Prior to occupation of the development evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
 - 14) The development shall take place strictly in accordance with the recommendations set out within the SuDS Drainage Maintenance Schedule, Surface Water Drainage Design Summary and Calculations document, Design Settings document and drawings D1951-PL300 and D1951-PL301 authored by Bright Plan Civils, Transport Planning and Civil Engineering Consultants, date stamped 24 February 2021. The development shall be carried out in accordance with the approved details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.
 - 15) There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways. Prior to being discharged into any watercourse, surface water sewer or soakaways system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies and silt traps to BS 5911:1982 with an overall capacity compatible with the site being drained and shall be retained thereafter.
 - 16) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a

verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- 17) No development shall be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing ref. 5012688/RDG/C/001 or any approved amendments at the detailed design stage for incorporation into the s278 agreement.
- 18) Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads, circulation routes within the site, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval in writing. The development shall be carried out in accordance with the approved details and thereafter retained.
- 19) No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the local highway authority.
- 20) Parking spaces shall measure at least 2.5m by 5m (with an extra 50cm on each side where spaces abut walls, fences or hedges). Car parking shall be provided prior to the occupation of the associated dwellings and thereafter retained to the satisfaction of the Local Planning Authority.
- 21) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens or areas to be adopted by the Local Highway Authority, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted and the landscape management shall be carried out in accordance with the approved plan for the lifetime of the development.
- 22) The development shall take place strictly in accordance with the recommendations set out within the Preliminary Ecological Appraisal (date stamped 08 October 2020) and Reptile Survey (date stamped 03 November 2020) both authored by The Ecology Partnership. The development shall be carried out in accordance with the approved details and thereafter retained.
- 23) Before preparation of ground levels for development approved a wildlife management plan shall be submitted and approved, to include as appropriate detailed proposals for the protection of bats, birds, reptiles, great crested newts and badgers, and measures for the mitigation of any harm to them likely to be caused by the development. The works and other measures forming part of that plan shall be carried out in accordance with it.
- 24) No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level and directional and has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall show predicted

light levels at neighbouring residential properties. The artificial lighting to the development shall conform to requirements for Environmental Zone E2 contained within Table 2 of the Institute of Lighting Professionals Guidance Note 01/21 The Reduction of Obtrusive Light and comply with the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18 Bats and Artificial Lighting in the UK. The scheme shall be implemented in accordance with the approved details and retained thereafter.

- 25) No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the Local Planning Authority:
- (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.
 - (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.
 - (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.
 - (iv) No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.
 - (v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.
 - (vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'.