



Appeal Decision

Hearing held on 7 February 2023

Site visit made on 7 February 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2023

Appeal Ref: APP/M0933/W/22/3309517

Docker Hall Farm, Docker, Kendal LA8 0DB

- 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 Mr Mike Packham against the decision of South Lakeland District Council.
 - The application Ref SL/2021/0963, dated 1 October 2021, was refused by notice dated 25 July 2022.
 - The development proposed is outline application for 1 no key worker dwelling with provision for a detached double garage, and new access to the highway.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of an agricultural worker dwelling, detached double garage and new access to the highway at Docker Hall Farm, Docker, Kendal, LA8 0DB in accordance with the terms of the application, Ref SL/2021/0963, dated 1 October 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was submitted in outline with approval of access sought. Detailed matters relating to layout, appearance, landscaping and scale are reserved for future consideration. I have determined the appeal on this basis.
3. Notwithstanding the description of development in the heading which has been taken from the application form, the development is more fully described on the decision notice and appeal form as *'the erection of an agricultural worker dwelling, detached double garage and new access to the highway'*. The Council determined the application on that basis, and I have therefore used that description in my decision.
4. The publication of Natural England's updated approach to nutrient loading and its revised list of the affected areas post-dates the submission of the application. The main parties have agreed that this is relevant to my determination because the appeal site is located within the Nutrient Neutrality catchment for the River Kent Special Area of Conservation (the River Kent SAC). The appellant was invited to submit further evidence in this regard. The Council and Natural England were consulted on the subsequent submissions during the course of this appeal. I am therefore satisfied that no parties have been prejudiced by my consideration of this matter.

5. During the course of the appeal, South Lakeland District Council merged with Barrow-in-Furness Borough Council and Eden District Council to form Westmorland and Furness Council. The development plans for the merged local planning authorities will remain in place for the area within the new authority until such time as they are revoked or replaced. I have determined the appeal on this basis.

Main Issues

6. The main issues are:

- whether there is an essential need for an agricultural worker to be permanently resident at or near their place of work; and
- if so, whether there is justification for the agricultural worker's dwelling as proposed.

Reasons

Essential Need

7. Docker Hall Farm is a holding of around 208 hectares, which comprises 192 hectares of land owned by the business and 16 hectares of adjacent land which is rented. The farmstead contains two stone barns and a number of modern steel framed farm buildings. The buildings house young cattle and the dairy herd, the milking parlour and feed and machinery storage. There is also a number of covered silage clamps.
8. There are around 460 cattle on the farm, taking into account both the dairy herd and calves. The dairy cows remain in the buildings during their lactations due to the numbers of cows, the heavy land, and the narrow roads. The young heifers and dry cows graze the pastures in the summer months.
9. The farm enterprise also takes on a number of wintering sheep during the period October to March to eat off surplus grass. The numbers of sheep, which belong to others, are stated as 500 in the appellant's evidence and 1000 in the Council's Agricultural Report¹.
10. The farm is owned by the appellant, the appellant's brother, and the appellant's son, and is run principally by them. The appellant is planning to retire, leaving his brother and son to continue running the farm. It is the intention that the appellant's son will eventually take over the majority control of the business.
11. The appellant's Agricultural Assessment² identifies that the enterprise requires seven and a half full time workers. The Council's Agricultural Report identifies a requirement approaching six full time workers. This assessment goes on to state that in the interests of the wellbeing of the livestock, the efficient running of the holding and for overall security, of the total calculated labour requirement of approaching six full time workers, it is essential that three of those, actively involved in the management of the farming unit, should be resident on the farm.
12. There are two dwellings located at the farmstead. The farmhouse is occupied by the appellant together with his son and family. The appellant's brother lives

¹ Report on a Proposed Permanent Farm Worker's Dwelling, AG & P Jackson, November 2021

² Agricultural Assessment of the Farm Holding for Planning Purposes, ML Planning Consultancy, September 2021

in the bungalow which both parties agree is subject to an agricultural occupancy restriction.

13. The proposed development is seeking outline permission for a new dwelling on land across Docker Lane from the farmstead. There is no dispute that the site is in the countryside and outside any designated development boundary. Paragraph 80 of the National Planning Policy Framework (the Framework) states that such dwellings should be avoided unless particular circumstances apply. This includes the essential need for a rural worker (which would include an agricultural worker), including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.
14. Policy DM15 of the South Lakeland Local Plan Development Management Policies, adopted 2019 (the DMP) only permits dwellings in the open countryside for those working in agriculture or rural businesses who need to live at or near to their place of work where there is a demonstrable essential need. The policy sets out several criteria to be met in order to demonstrate an essential need.
15. Based on the Statement of Common Ground that was submitted as part of the appeal documentation, the parties agree on a number of matters that relate to most of the criteria in Policy DM15, as follows. There is an existing functional need for the proposed dwelling and the approximate size (albeit that the only indication of size is the number of bedrooms identified on the application form) and that the need relates to a permanent full time worker. The business is financially sound now and with a clear prospect of remaining so. In the three years prior to the application, no dwelling has been sold, transferred or made unavailable. The enterprise is unlikely to be able to fund the purchase of dwellings for sale within the locality without having an adverse effect on its future stability. There are no agricultural buildings on the holding suitable for conversion.
16. Prior to the Hearing, the dispute therefore centred on whether the proposal complies with criteria 4 and 7 of Policy DM15. That is, whether it has been demonstrated that the need could not be fulfilled by an existing dwelling at the unit, which in this case is whether the farmhouse could be subdivided to provide two dwellings; and whether it has been demonstrated that there are no alternative locations for the proposed dwelling more integrated with the farmstead.
17. When the application was submitted, the intention was that the new dwelling would be for the appellant's son and his family. This was the case during the Council's determination of the application, and it is the position taken in the appeal statements of both parties.
18. At the Hearing, it was highlighted that the intention now is that the appellant's son and family would remain living in the farmhouse with the appellant. The proposed dwelling would therefore be used as accommodation for an additional agricultural worker.
19. I appreciate the Council's point that this represents a change to the intended occupation of the proposed dwelling presented when both agricultural assessments were undertaken and when it determined the application. Instead of being directly related to succession planning, the proposed dwelling would be for a separate agricultural worker.

20. Nevertheless, no distinction is made between the succession process and separate rural workers accommodation when establishing an essential need in Policy DM15 of the DMP. Furthermore, the independent assessment set out in the Council's Agricultural Report based its labour requirements on the nature and size of the farm business rather than any named individual. Therefore, while the discussion in the Council's Agricultural Report about the current employment at the farm inevitably has an emphasis on family members given the current composition of the work force, to my mind, this does not mean that the assessment of need was based purely on the succession process.
21. Consequently, while the appellant has presented a change in circumstances, I do not see that it alters the conclusion of the Council's Agricultural Report. That is, three full time workers actively involved in the management of the unit should be resident on the farm.
22. The Council's Agricultural Report notes that its identified labour requirement is currently met by the existing three full time workers comprising the appellant, his brother and son. Day to day assistance is provided by part time workers and the use of contractors for specialist tasks. With the change in occupancy, the proposed development would provide the potential for a fourth agricultural worker to reside on the farm. The submitted evidence does not support the essential need for this number of agricultural workers to live there permanently.
23. At the Hearing, a change in the family's personal circumstances was identified. The appellant is recovering from an operation and so is not working in a full-time capacity. There is, in effect, two and a half full time workers living on the farm. The requirement in Policy DM15 of the DMP is for the need to relate to a permanent full time or equivalent worker. At present, the shortfall in workers living on the farm does not equate to a full-time worker.
24. I appreciate that there may be scope for the appellant to increase his workload once his recovery is complete. However, I note his aim to retire and that it is the intention for the appellant's son to succeed his father in taking majority control of the enterprise. The transition process in succession planning can be gradual as the older generation move towards retirement but are still involved in some way in day-to-day running of the farming enterprise. However, noting the appellant's age and the nature of the work, it is more likely that this would be at some point in the near rather than more distant future.
25. At the Hearing, the Council made the point that no justification has been provided to demonstrate that a separate agricultural worker could not live locally. However, I am mindful of the prices of properties as identified in the searches undertaken by the Council and appellant, and the information presented on agricultural workers earnings. In addition, there appears to be agreement that the purchase of a property, even at the lower end of the price range, could not be funded by the enterprise without having an adverse effect on its future financial stability.
26. It was also suggested at the Hearing that in the circumstances now being proposed, it would be normal practice to seek a temporary permission. Policy DM15 of the DMP sets out that for rural businesses established less than three years, the need for a dwelling should normally be met by temporary accommodation. However, the enterprise has been established for a significant period of time. Furthermore, it does not seem to be in dispute that the

enterprise is financially sound and has a clear prospect of remaining so. Given these circumstances, my view is that a temporary permission would not be necessary.

27. The Council expressed concern that the existing farmhouse could become available in the future and be sold off separately. There is no evidence before me to confirm that it is subject to an occupancy condition, and I understand the Council's wish to avoid the proliferation of dwellings in the countryside. That said, given the intentions for the farm enterprise stated above, together with the farmhouse position in a working farmyard and close to the livestock buildings, I have seen nothing to suggest that its sale and occupation independently of the farm would be likely.
28. For the reasons given, I therefore conclude that there is an essential need for an additional agricultural worker to be permanently resident on, or near, the farm enterprise. The proposed development would therefore accord with the requirements of criteria 1, 2, 3, 5 and 6 and part of criterion 4 of Policy DM15 of the DMP and paragraph 80 of the Framework.

Justification for the dwelling as proposed

29. The site lies across Docker Lane, a single track road, from the farmstead. The area surrounding the farmstead is agricultural in nature with occasional groups of farm buildings apparent. The topography is undulating, with fields often divided by hedgerows and pockets of woodland. In addition to the cluster of buildings at the farmstead, there is a two storey dwelling further along Docker Lane on the same side. Almost opposite this dwelling, on the same side of Docker Lane as the site, are buildings associated with Docker Garth Farm. The prevailing character is one of open countryside.
30. The proposed dwelling would not be readily visible until in close proximity due to the rolling nature of the topography and vegetation close to and along the site boundary which would still provide a degree of screening in winter due to the high density of branches.
31. From close views along Docker Lane, when travelling south east towards the site from the bridge over the railway and north east passed the farmstead, the proposed dwelling would be clearly visible. In such views, it would appear separate from the buildings associated with the farmstead, as its location on the opposite side of the lane would be apparent. From these vantage points, the proposed dwelling would block views of the open countryside beyond to an extent.
32. When approaching the site along Fiddlergill, the proposed dwelling would generally be seen against the backdrop of the farm buildings. In addition, from certain vantage points near to the junction of Fiddlergill and Docker Lane, the proposed dwelling would be seen with the existing built development at Docker Garth Farm in the background. From these vantage points the proposed dwelling would appear integrated with the farmstead.
33. Overall, despite the relatively limited visibility in the surrounding area and even with an appropriate design, the proposed dwelling and its associated outdoor area would, by reason of its siting beyond the existing farmstead, extend built development into the countryside. This would be uncharacteristic of the largely

- undeveloped open rural character of the area. Consequently, there would be some limited harm to the character and appearance of the area.
34. The Council is concerned that the proposed dwelling would be located away from the cluster of buildings that comprises the farmstead and that there has been a lack of consideration of alternative locations that would be more integrated with it.
35. Criterion 4 of Policy DM15 requires demonstration that the functional need could not be fulfilled by an existing dwelling on the unit in addition to other accommodation in the area which has been addressed above.
36. The Council's appeal statement sets out potential alterations to the farmhouse to provide additional accommodation. Although the requirement in Policy DM15 and the Framework is to demonstrate a need for an essential rural worker, which in numerical terms would be one person, that person may have a partner and/or family. Furthermore, the agricultural worker may not be connected to the family residing in the farmhouse and it would not be unreasonable for both households to expect a degree of privacy. In this context, I am not persuaded that satisfactory accommodation could be provided through the subdivision/extension of the farmhouse for the appellant, his son and family and a separate worker. I therefore find no conflict with the requirements of criterion 4 of Policy DM15 of the DMP.
37. The appellant identifies the majority of the areas around the farm buildings as cow loafing areas and a calving cow paddock which need to be located near to the buildings in which the animals are kept and are part of the farm's required animal welfare standards. The peat bog near the railway line is managed for its biodiversity value.
38. The open area to the south west of the farmhouse has a Public Right of Way (PRoW) and culvert running across it. Neither of these would represent an insurmountable barrier to siting a dwelling in this location, nor potentially would the localised flooding referred to by the appellant, although I appreciate the point made at the site visit that any diversion to the PRoW would likely have to run close to any dwelling in this area, which could potentially give rise to some harm to the living conditions of future occupiers with regard to privacy.
39. On the site visit, the Council also highlighted the area within the farmyard near to the entrance and an area to the rear of the newer calf building. I am not persuaded that there would be sufficient space to site a dwelling in the area near to the farmyard entrance and still allow space for the manoeuvring of vehicles and machinery. The area to the rear of the calf building is not large when account is taken of the access track and the point where the land begins to slope quite steeply upwards.
40. The indicative position of the proposed dwelling would be within a similar distance to some of the farm buildings as the existing farmhouse and areas suggested by the Council. These farm buildings include a number that accommodate what the appellant describes as the most vulnerable animals, although the existing feed shed and store sit between them and the proposed dwelling's indicative position. The site would be located further from other buildings and parts of the wider landholding. The proposed dwelling would be closer to the farm entrance and would enable views of it, subject to its

positioning within the site. The appellant identifies this as important from a security point given that open access to the farmyard has to be maintained. I agree that there would be some security benefits with the indicative location of the proposed dwelling.

41. Overall, there would be limited harm to the character and appearance of the area and therefore some conflict with paragraph 174 of the Framework, which requires decisions to recognise the intrinsic character and beauty of the countryside. However, criterion 7 of Policy DM15 requires that the proposed dwelling is normally located within or adjacent to the existing farm or business. My attention has not been drawn to a definition of 'adjacent' in the development plan, but in my judgement, the indicative location of the proposed dwelling would be adjacent to the farmstead, notwithstanding that it is across the single track lane from it. The proposal would therefore accord with the requirements of criterion 7 of Policy DM15.
42. Even if I were to take the view that the indicative location of the proposed dwelling is not adjacent, therefore giving rise to some conflict with criterion 7 of Policy DM15, this would need to be weighed against the limited reasonable potential locations closer to the farm complex; the fact that the indicative location would not be significantly different to those other potential locations in terms of meeting the functional needs of the enterprise and that it would provide additional security benefits. It would also be weighed against the justification for the proposed dwelling in terms of meeting an essential need for an agricultural worker, which I return to in my overall conclusion.

Other Considerations – Effect on the River Kent SAC

43. A primary reason for the designation of the River Kent SAC is the presence of white clawed crayfish, densities of which are extremely high throughout much of the Kent system. Other qualifying features are freshwater mussel, bullhead and water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation.
44. The proposal would comprise new residential development with additional occupiers and therefore additional wastewater generation. The wastewater from additional new housing development has the potential to increase nutrient loads for rivers catchments. There is no basis for me to dispute Natural England's advice on the proposal's likely impact on the River Kent SAC's qualifying features in view of its current condition and conservation objectives. Consequently, when considered in combination with other developments in the area, there would be a likely significant effect on the qualifying features of the River Kent SAC from the proposal. Therefore, as the competent authority, it is necessary for me to undertake an Appropriate Assessment (AA).
45. The evidence provided to address this issue has evolved during the appeal. The appropriate Nutrient Neutrality Budget Calculator tool has been used by the appellant to establish a nutrient budget for the proposal. The proposal would increase the total annual phosphorus load arising by 1.47kg per year. This includes a precautionary buffer of 20%. Having consulted Natural England through the course of this appeal, I have had regard to its consultation response in undertaking the AA. Overall, I am satisfied that the appellant's evidence on this matter is robust and sufficiently cautious.

46. Considering the conservation objectives, there would be adverse effects on the integrity of the River Kent SAC from the proposal due to the increased phosphorus load. I must therefore consider whether measures could be put in place to avoid or mitigate the impacts.
47. Initially, a package treatment plant (PTP) was proposed together with a vertical flow reed bed wetland system draining to a band of willow. These would be located on land within the appellant's ownership. The PTP would be used for both the proposed dwelling and the existing bungalow at the farm which is currently served by a septic tank that is over 40 years old. This would mean that the less efficient septic tank would no longer be used.
48. Following Natural England's advice, the appellant now proposes a more efficient biological PTP that would be used for the proposed dwelling and existing bungalow. The appellant's revised Nutrient Neutrality Mitigation Assessment (V2) includes information on the PTP's efficiency. The use of this type of PTP would remove the need for the reed bed system and willow band. Through its consultation response, Natural England has confirmed that, based on the appellant's submitted calculations, this mitigation would reduce the amount of phosphorus currently entering the River Kent SAC and would therefore ensure no adverse effect on its integrity.
49. Overall, I am satisfied that the proposed mitigation measures contained in the appellant's Nutrient Neutrality Mitigation Assessment (V2) would adequately mitigate the effects of the proposed development and so would remove all reasonable scientific doubt that it would have an adverse effect on the integrity of the River Kent SAC either alone or in combination with other plans and projects. Moreover, I am satisfied that the mitigation could be secured through a suitably worded planning condition requiring the prior approval of the surface water management and disposal of sewage works, the implementation of such works and their retention and management thereafter. Consequently, there would be no conflict with the biodiversity requirements of paragraph 180 of the Framework or Policies DM1 and DM7 of the DMP.

Planning Balance and Conclusion

50. Taking all the above into account, this appears to be a well-established enterprise which requires committed hands-on management day and night. While the enterprise would not quite justify a dwelling for one permanent full-time worker now, I am satisfied, on the balance of evidence, that it is likely to in the very near future. When taking account of the timescales for the future consideration of the reserved matters and construction period, I am satisfied that the essential need for a new permanent dwelling for an agricultural worker has been justified. The proposed dwelling would likely ensure that this established farming enterprise can viably continue without any unreasonable expectation that the appellant should vacate the existing farmhouse when he does retire. I attach considerable weight to this requirement.
51. The proposed location for the dwelling would have some limited harm to the open rural character of the area, and there would therefore be a conflict with paragraph 174 of the Framework. Nevertheless, the proposed development would not be unduly prominent within the landscape. Furthermore, national and local planning policies do allow for rural workers dwellings in the countryside, subject to the relevant tests being met, which the proposal would. There is therefore an acceptance that some, very limited, housing can take

place, which will inevitably lead to some change to the character of the countryside.

52. Accordingly, I find that the essential need for an agricultural worker dwelling would clearly outweigh the identified harm to the character and appearance of the area and the limited conflict with paragraph 174 of the Framework. If I had found that the indicative location for the proposed dwelling would not be adjacent to the farmstead, there would be some conflict with criterion 7 of Policy DM15. However, this conflict would also be outweighed, for the same reasons.
53. Accordingly, for the reasons given, I conclude that the appeal should be allowed.

Conditions

54. I have considered the conditions suggested by the Council and have amended the wording of certain conditions in the interests of precision. All of the conditions meet the tests in paragraph 56 of the Framework.
55. In the interests of certainty, the relevant conditions concerning the timescales for the commencement of development, the submission of the reserved matters and the approved plans are necessary. Although the submitted plan is indicative only and all matters other than access are reserved for subsequent approval, in the interests of the character and appearance of the area, it is reasonable and necessary to define certain parameters in terms of the scale of the dwelling and garage.
56. A number of conditions are required prior to commencement of development to ensure that the relevant details are acceptable and compliance with their requirements at a later time could result in unacceptable harm. To ensure adequate provision is made for the management of surface water and sewage disposal and to ensure no adverse effects on the integrity of the River Kent SAC, details of surface water and foul drainage is necessary. To prevent harm to human health and the environment, a condition is necessary to address potential contamination at the site. Although the development is small in scale, it is necessary to require details of how noise and vibration will be managed during the construction phase to limit the effects on the living conditions of nearby residents. In the interests of highway safety, a condition is necessary to secure details of the parking layout. In the interests of the character and appearance of the area, a tree survey, including tree protection measures, and a landscaping scheme is necessary.
57. A condition restricting hours of operation during the construction phase is necessary in the interests of the living conditions of neighbouring occupiers. In the interests of highway safety, conditions are necessary to ensure the required visibility splays are provided, that the access drive is appropriately surfaced and that any gates do not open on to the highway. As the dwelling is justified on the basis of an agricultural need, an occupancy restriction condition is necessary to ensure that the dwelling serves its intended purpose.

F Wilkinson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mike Packham	Appellant
Michael Packham	Son of the Appellant
Sarah Pope	ML Planning Consultancy Ltd
Shemuel Sheikh	Barrister, Kings Chambers, Manchester

FOR THE LOCAL PLANNING AUTHORITY:

Liz Arnold	Senior Specialist, Development Management
Charlotte Pinch	Specialist Level 2, Development Management

SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - a) FIVE YEARS from the date of this permission; or
 - b) the expiration of TWO YEARS from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Application for the approval of the reserved matters must be made not later than THREE years from the date of this permission.

- 2) 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 begins and the development shall be carried out as approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Scale 1:2500; Site Plan Scale 1:500 JT/MP/3030.
- 4) Any reserved matters application in respect of scale shall be limited to the following:
 - the maximum height of the dwelling shall be 4.5 metres;
 - the maximum height of the garage shall be 3 metres; and
 - the maximum gross floor area of the dwelling shall be 160 square metres.
- 5) No development shall commence unless and until details of surface water management and the disposal of sewage works have been submitted to and approved in writing by the Local Planning Authority.

The foul water drainage system shall be a Klargest BioDisc N-Range + BioTreat package treatment unit as detailed in the Nutrient Neutrality Mitigation Assessment (V2), or one with the equivalent phosphorus treatment efficiency. The submitted details shall include measures to demonstrate that the package treatment unit shall serve the bungalow at Docker Hall Farm, as described in section 5 of the Nutrient Neutrality Mitigation Assessment (V2), and a maintenance plan for the lifetime of the development to secure the effective operation of the system throughout its lifetime.

The surface water details must be in accordance with the surface water drainage hierarchy.

Foul and surface water must drain on separate systems.

The development shall not be occupied until the approved surface water management and the disposal of sewage works have been provided and implemented on the site in accordance with the approved details. The approved works shall be thereafter operated and maintained in accordance with the approved details for the lifetime of the development.

- 6) No development shall commence unless and until a Phase One Contamination Assessment has been carried out by a suitably competent person to assess the

nature and extent of any contamination on the site and has been submitted to and approved in writing by the Local Planning Authority.

If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins.

If during the course of development, any contamination is found which has not been identified in the site investigation, it must be reported in writing within 14 days to the Local Planning Authority and development halted. An assessment must be undertaken of the contamination and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a timetable for their implementation.

- 7) No development shall commence unless and until a scheme to control noise and vibration from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with BS5228: Code of Practice for Noise and Vibration Control and Open Sites. Working practices shall be compliant with the approved scheme during the construction phase of the development.
- 8) No development shall commence unless and until a parking layout for the development has been submitted to and approved in writing by the Local Planning Authority. The approved parking layout shall be constructed and made available for use prior to first occupation of the development and retained in perpetuity thereafter. The parking spaces shall be used solely for the benefit of the occupants and visitors of the development hereby approved and for no other purpose.
- 9) No site clearance, preparatory work or development shall take place unless and until the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) A full tree survey in accordance with BS5837:2012, to include:
 - i. an Arboricultural Impact Assessment, to assess the impacts of the development on the existing trees.
 - ii. an Arboricultural Method Statement, to demonstrate appropriate working methods.
 - b) A full specification of proposed tree planting, to include the quantity, size, species, positions, density, how they will be protected and the proposed time of planting.
 - c) A schedule of maintenance for the existing and proposed trees, including provision for replacement planting should establishment fail.

All works and planting shall be carried out in accordance with the approved details.

- 10) No work for the construction of the development, including site preparation, earthworks and start-up of machinery shall take place on the site, except between the hours:
08.00 to 18.00 Monday to Friday; and

08.00 to 13.00 on Saturdays.

No works to be carried out on Sundays or officially recognised public holidays.

- 11) No development shall commence unless and until visibility splays providing a clear visibility of 2.4m x 28m to the north east and 2.4m x 72m to the south west from the proposed site access point measured down the centre of the access road and the nearside channel line of the major road have been constructed at the junction of access driveway with the county highway of Docker Lane. The visibility splays shall thereafter be maintained free of any obstruction over 1.05m in height above the adjacent carriageway.
- 12) The occupation of the dwelling shall be limited to a person solely or mainly employed, or if no longer in employment, solely or mainly last employed (in either case for a continuous period of not less than one year) locally in agriculture, as defined in Section 336(1) of the Town and Country Planning Act 1990, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 13) The development hereby approved shall not be occupied until the access drive is surfaced in bituminous or cement bound materials, or otherwise bound. This surfacing shall extend for a distance of at least 5m inside the site, as measured from the carriageway edge of the adjacent highway.
- 14) Access gates, if provided, shall be hung to open inwards only, away from the highway.