



Appeal Decisions

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2023

Appeal A Ref: APP/X0360/W/22/3299106 RD The Bird Gardens, Milley Lane, Hare Hatch RG10 9TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs J Parton against the decision of Wokingham Borough Council.
 - The application Ref 220521, dated 21 February 2022, was refused by notice dated 13 April 2022.
 - The development proposed is the erection of 4 no. bedroom detached dwelling with link attached garage and workshop, plus associated parking and landscaping, following demolition of existing animal enclosures, aviaries and office/staff welfare building.
 - **This decision supersedes that issued on 29 September 2022. That decision on the appeal was quashed by order of the High Court.**
-

Appeal B Ref: APP/X0360/W/21/3289621 RD The Bird Gardens, Milley Lane, Hare Hatch RG10 9TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs J Parton against the decision of Wokingham Borough Council.
 - The application Ref 212446, dated 15 July 2021, was refused by notice dated 9 November 2021.
 - The development proposed is the erection of 4 no. bedroom detached dwelling with link attached garage and workshop, plus associated parking and landscaping, following demolition of existing animal enclosures, aviaries and office/staff welfare building.
 - **This decision supersedes that issued on 29 September 2022. That decision on the appeal was quashed by order of the High Court.**
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the erection of 4 no. bedroom detached dwelling with link attached garage and workshop, plus associated parking and landscaping, following demolition of existing animal enclosures, aviaries and office/staff welfare building at The Bird Gardens, Milley Lane, Hare Hatch RG10 9TH in accordance with the terms of the application, Ref 220521, dated 21 February 2022, subject to the conditions set out in Appendix A.

Appeal B

2. The appeal is allowed and planning permission is granted for the erection of 4 no. bedroom detached dwelling with link attached garage and workshop, plus associated parking and landscaping, following demolition of existing animal enclosures, aviaries and office/staff welfare building at The Bird Gardens, Milley Lane, Hare Hatch RG10 9TH in accordance with the terms of the application, Ref 212446, dated 15 July 2021, subject to the conditions set out in Appendix B.

Preliminary Matters

3. This decision letter supersedes that issued on 29 September 2022, which was quashed by the High Court. The observations of the Deputy High Court Judge were that the second indented sub-paragraph of Paragraph 149 of the *National Planning Policy Framework* should have been taken into account in that decision, and it was either not considered or failed to explain why the criteria of the second indent were not satisfied. I have redetermined the appeal afresh (or *de novo*). My role is not to review the previous appeal decision. Nonetheless, in determining the appeal scheme, I have taken into account the observations of the High Court in reaching my decision.
4. There are two appeals on this site for consideration here. Both proposals involve the demolition of the existing buildings on site and the construction of a four bedroomed dwelling within a similar location on the appeal site.
5. Appeal A has an alternative form and design, along with a lower height than the proposed development considered under Appeal B. Each proposal has been considered on its individual merits. Nonetheless, given that the main issues are the same and to avoid duplication, both schemes have been considered together.
6. Both main parties have had an opportunity to consider and comment on the appeal, with a further period given for any further representations. I have taken those, and all submitted, representations into account in coming to my decision.

Background and Main Issues

7. In both decisions, the Council indicated, in its second reason for refusal, that the lack of adequate provision for affordable housing constituted a reason for refusing the proposals. Subsequently, the Appellants have submitted completed legal agreements under s106 of the TCPA, which I consider later in this decision.
8. Nonetheless, the Council indicates that they no longer maintain objections in respect of the second reasons for refusal. I find no reason not to concur with this and have proceeded on the basis that the first reason for refusal remains the main area of dispute between the parties.
9. As such, the main issues in this case are:
 - i) The effect of the proposals on the openness of the Green Belt and whether the proposal would constitute inappropriate development in the Green Belt; and,

- ii) Whether the proposed development would provide a suitable site for housing, having regard to the proximity of services and the character and appearance of the area.

Reasons

Whether inappropriate development

10. The main parties agree that the appeal site is located within the Green Belt. Local planning policy is contained in the *Wokingham Borough Local Development Framework – Adopted Core Strategy Development Plan Document* - adopted January 2010 (CS) and the *Wokingham Borough Development Plan – Adopted Managing Development Delivery Local Plan* – adopted February 2014 (MDD).
11. Policy CP12 of the CS sets out that planning permission will not be granted for inappropriate development within the Metropolitan Green Belt. Policy TB01 of the MDD sets out that developments will only be permitted where they maintain the openness of, and do not conflict with the purposes of including land in, the Green Belt. Both of these policies pre-date the *National Planning Policy Framework* (the Framework) which was most recently updated in 2023. Nonetheless, they broadly, if more briefly, align with the current national planning policy on Green Belts.
12. The Framework sets out national policy on Green Belts and the document is an important material consideration. Paragraph 147 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
13. Paragraphs 149 and 150 of the Framework indicate limited exceptions to inappropriate development. Those listed in Paragraph 150 are of limited relevance in this case and it is not suggested by the parties that the proposal would fall into any of those exceptions: I concur.
14. Paragraph 149 sets out exceptions to inappropriate development which include:
 - g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - *not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*
15. In terms of the first part of this paragraph, the Council's Officer Report found *'The dwelling is proposed to be located inside the confines of the demolished aviaries within the centre of the site. The erection of a dwelling involves "limited infilling or the partial or complete redevelopment of previously developed land". It would therefore fall within paragraph 145(g) of the NPPF*

and the next test is therefore whether the proposal has a greater impact on openness.¹

16. Given the submitted evidence for both appeals, I see no reason not to concur with that assessment. Moreover, given the slightly run down state of the buildings and structures on the site the appeal site falls within the 'redundant' element of paragraph 149 g) of the Framework. It is clear that the proposal may benefit from this 'exception' to inappropriate development in the Green Belt. However, the next stage is to consider the effect of the proposal on the openness of the Green Belt.
17. Paragraph 133 of the Framework states that 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 permanence. Openness has both a visual and spatial dimension; and the impact or harm, if any, wrought by the change is important here.
18. The appeal site comprises two parcels of land; with the northern parcel being made up largely of grassland, trees and vegetation and a line of single storey buildings near to the side boundary. A line of mature conifers borders Bath Road to the rear. The southern parcel is also made up mostly of overgrown grassland, vegetation and trees but has single storey structures on the perimeter of the field. The buildings to the side and rear are also single storey and are enclosed, but mostly with the use of wire mesh. Vehicular access sits almost centrally onto Milley Lane, providing views into the site from the road. The single storey buildings to the front are finished in a mix of brick, glass, timber and wire mesh.
19. It is common ground between the parties that the existing and proposed footprint(s) and volume(s) would be roughly²:

	Footprint	Volume
Existing	2020m ²	5,600m ³
Refused (212446)	303m ²	1,664m ³
Proposed	303m ²	1,477m ³
% change	-85%	-74%

20. Numerically, the aviaries along the western, northern and eastern boundaries on the southern half of the site are netted structures and have not been included as volume in the above table. Nevertheless, the Officer's report indicates that the proposals *'involves a substantial reduction in numerical footprint and volume because of the removal of all the structures, including sheds at the northern end of the site'*. I concur with this assessment. Both appeal schemes would result in a reduction of approximately 85% in building footprints on the site. They would also result in around a 74% reduction in volume for Appeal A, as shown above, and a roughly 70% reduction in volume for Appeal B³.
21. As such, I find that the proposal would have a positive impact wrought by the change in respect of this aspect of openness. However, alongside this spatial

¹ Delegated Officer Report App Number 220521, Page 8 of 21, Paragraph 19. Whilst relating to the Appeal A proposal, the principle of the site's identified status by the LPA as PDL remains the same.

² Delegated Officer Report App Number 220521, Page 9 of 21, Paragraph 22

³ On the basis of 1,664sqm/5600sqm*100 = 29.71%.

- element of openness, one also has to consider the visual impact on the openness of the Green Belt. In this respect, the proposals would introduce a two storey form into the site where currently it comprises single storey buildings.
22. In doing so, I find that the proposals would have a greater impact on openness of the Green Belt than the existing development; albeit this would be through the increased vertical form of the buildings proposed. The proposals would also see the re-location of the built form on the site away from the edge with Milley Lane, for example, and centred within the southern half of the site. This would include the introduction of a hardstanding driveway and parking area. These factors would also contribute to the proposals having a greater impact on openness of the Green Belt by introducing built form into a part of the Green Belt that currently does not have structures of the scale, mass and height of those proposed. Accordingly, I find that the proposals would not benefit from the exception set out in the first indent of Paragraph 149 g) of the Framework.
23. Taking all the various elements into account I find that the proposals would therefore result in the erosion of the openness of the Green Belt. This is one of the essential characteristics of the Green Belt, as set out in Paragraph 137 of the Framework, and as such I find that the proposal would result in harm to the Green Belt by reason of the greater impact they would have on the openness of the Green Belt.
24. However, given the scale of the development(s) (limited to one dwelling and outbuildings), the locational context of the site relative to other dwellings and buildings, the positive spatial and visual improvements to openness in the Green Belt arising from the removal of existing buildings on the site, and a considerable and significant reduction in both footprint of built form and volumes, I find that the level of harm to the openness of the Green Belt would amount to no greater than moderate in this case.
25. It is now important, as set out in the Court Order, to turn to the second indent of Paragraph 149 g) and consider this. The Order sets out that '*A decision that the developments proposed would have a greater impact on the openness of the Green Belt than the existing development is not the same as a decision that the development would cause substantial harm to that openness.*' In this respect, as a matter of planning judgement, I have found that the proposal would result in no greater than moderate harm to the openness of the Green Belt. Accordingly, it would satisfy this element of the second indent.
26. Furthermore, the Appellant has submitted a legal agreement, which I consider in greater detail below, that would secure a contribution towards the off-site provision or regeneration of Affordable Housing within the Council's administrative area. As such, the proposals would satisfy the second element of the second indent whereby it would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
27. Consequently, I find that the proposals in this case are not inappropriate development in the Green Belt as defined by the Framework by virtue of the second indent of Paragraph 149 g). Therefore, the proposals would accord with the aforesaid aims of Policies CP12 of the CS and Policy TB01 of the MDD. They would also accord with the Policies of the Framework set out in Chapter 13 Protecting Green Belt land.

28. Nonetheless, a finding that a development is 'not inappropriate' in Green Belt terms does not automatically mean that it is acceptable in terms of other planning issues. I now consider these.

Location of housing

29. As the site is located outside the defined development limits, the main parties do not dispute that the appeal site is located in the countryside for planning policy purposes. I see no reason to disagree with this position. Policy CP11 of the CS sets out that in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside development limits will not normally be permitted unless the proposal falls into certain exceptions.
30. Exceptions include:
- 2) *It does not lead to an excessive encroachment or expansion of development away from the original buildings; and*
 - 3) *...or in the case of replacement buildings would bring about environmental improvement;*
31. As is evident in the previous section of this decision, the proposals would see a substantial reduction in both footprint and volume of built form on the appeal site. As such, it would not lead to an excessive encroachment or expansion of development away from the original buildings; thus fulfilling criteria 2) of Policy CP11. In terms of environmental improvement, the proposals would see the removal of generally worn and tired buildings from the site and their replacement with a purpose built dwelling.
32. Further environmental improvement would also derive from the ability to landscape the site and also secure ecological enhancements; and control these by condition. Accordingly, I find that the proposal would comply with the aims of Policy CP11 of the CS. I also find, for similar reasons, that the proposal would have a positive effect on the character and appearance of the area through these improvements.
33. In terms of proximity to services, the Council's Officer Report⁴ considered that *'whist the site is not in the most sustainable location, Hare Hatch is somewhat unique in terms of the Floral Mile where there is a conglomeration of similar businesses offering a variety of services. It does not exhibit the traditional characteristics of a village but still includes many dwellings. In that sense, a development in this location would be viewed as supporting services in the nearby village (town) of Twyford.'*
34. There will, no doubt, be other locations in the district and within the wider region that are better suited to providing easy access to daily services using a variety of public transport modes. However, there are a number of residential dwellings near to the appeal site where occupiers are able to access services. There are some shops in walking distance of the site, with a greater selection of services providing in Twyford, which is a short drive from the site.
35. There are bus stops near to the appeal site, though I note that these are not defined as 'good public transport services' given the frequency of services. Nonetheless, there would be services on Monday through to Saturday. It

⁴ Officer Report ref 220521, Page 12 of 21, para 46

would also be possible for any future occupiers to cycle to nearby settlements such as Twyford or Wargrave.

36. Whilst I agree that the site is not in the most sustainable location, as found by the Council, this needs to be considered in light of the quantum of development proposed. In either appeal scheme, the proposal would result in a single dwellinghouse in an area that already has dwellinghouses. Taking all these factors in the round, I find that the proposal would be a suitable site for the scale of development proposed (one dwelling) having regard to the proximity of services.
37. Accordingly, the appeal site provides a suitable site for housing, having regard to the proximity of services and the character and appearance of the area. It would, therefore, accord with Policies CP1, CP3 and CP11 of the CS, which, amongst other aims, seek to ensure that proposals which enhance the quality of the environment and that proposals are of an appropriate scale of activity.

Other Matters

38. The appeal site adjoins, opposite to or in proximity to a number of Listed Buildings. This includes; The Old House (II), Hill House (II), Implement shed and small barn (II) and Large barn (II). In respect of their setting, the Council's Conservation Officer raises no in-principle objections given that the site is located some distant from these listed buildings. Given that these listed buildings are contained within their own grounds, and no works are identified to take place in areas intimately associated with their significance, I see no reason to disagree. For the purposes of Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended, I find that the proposals would, at the very least preserve the settings of these nearby listed buildings.
39. I note the Council's deteriorated position on the supply of deliverable housing land since the appeals were first considered in September 2022. A supply of around 5.1 years is now a supply of roughly 3.95 year of deliverable sites. As such the Local Planning Authority have suggested that the 'tilted balance', set out in Paragraph 11 d) of the Framework, is engaged. In applying this myself in consideration of the proposals, having found no adverse impacts it is not possible to see if these significantly and demonstrably outweigh benefits. Nor have I found there to be any policies in the Framework which indicates that permission should be refused. Accordingly, given the circumstances in these cases, the tilted balance points firmly to the granting of permission.
40. This would remain the case, even were I to adopt the Council's suggestion that the tilted balance is 'tempered' by reason of other Inspector appeal decisions on this matter and previous 'over delivery'⁵.

Planning Obligations

41. The Framework, at Paragraph 57, and *Community Infrastructure Levy (CIL) Regulations* set out that planning obligations must only be sought and be considered as a reason for granting planning permission where they meet the following tests:

a) necessary to make the development acceptable in planning terms;

⁵ See Pages 3 to 5 of 16, paras 2.1 to 2.13

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.

42. The Appellant has submitted two legal agreements, under s106 of the TCPA in respect of both appeal schemes. Dated 17 June 2022 (in respect of Appeal A 3299106) and 10 May 2022 (in respect of Appeal B 3289621). Both obligations would secure a contribution of £46,137.14 index linked towards the off-site provision or regeneration of Affordable housing within the Council's administrative area in lieu of provision of 40% of Affordable Housing Dwellings on the site. Such provisions accord with Policy CP5 of the CS and Policy TB05 of the MDD, as supported by the Affordable Housing SPD.
43. In considering these, I find that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. As such the s106 should be taken into account as a reason for granting planning permission in these cases.

Conditions

44. The Council has submitted a list of 13 conditions which it considers should be imposed for both appeal schemes should they be found acceptable. I have taken these into account in light of Paragraph 56 of the Framework and the national Planning Practice Guidance on the use of planning conditions.
45. Conditions relating to the time limit for commencement and to be carried out in accordance with submitted drawings are necessary to provide certainty and for the avoidance of doubt.
46. A condition requiring a programme of archaeological work is necessary and reasonable given that the site lies in an area of archaeological potential.
47. Conditions requiring approval of materials and landscaping are necessary and related to the proposal in order to ensure that the external appearance of the buildings and its surrounds are improved. Likewise, a condition requiring tree protection measures to be used is reasonable to ensure that trees to be retained are adequately protected.
48. A condition requiring a detailed strategy for biodiversity enhancements and ecological permeability is necessary to ensure that the proposal positively contributes to local and national biodiversity aims. Similarly, a condition requiring the development to be carried out in accordance with the Mitigation Strategy is necessary to ensure that any protected species are not adversely affected by the proposals. Details of drainage systems is necessary to help minimise any surface water flood risk.
49. Conditions requiring the provision of parking for vehicles and cycles, that no gates are erected unless set back from the highway, and that the garage is kept available for the parking of vehicles are necessary and related to the development being permitted in order to encourage sustainable transport modes and maintain highway safety.
50. A condition removing permitted development rights relating to buildings, enlargement or alterations is necessary and reasonable in this case given the

site's location in the Green Belt and the need to ensure its essential characteristics including openness is maintained.

51. Lastly, it is evident that a significant element of the case in favour of the proposals on Green Belt matters relates to the removal of existing buildings and/or structures on the appeal site. Although not suggested by the main parties a condition on each permission that requires the removal of the existing animal enclosures, aviaries and office/staff welfare building prior to occupation of the dwellinghouse proposed would be enforceable and is necessary, reasonable and related to the permissions sought. As such I have imposed such a condition which reflects this element of the proposal(s) description.

Overall Conclusions

52. I have found that the proposals would not represent inappropriate development in the Green Belt. Furthermore, the circumstances in this case indicate that it would be in a location suitable for housing. I therefore find that the proposals would accord with the development plan when considered as a whole, and there are no material considerations which indicate a decision otherwise than in accordance with it.
53. Accordingly, for the reasons given above, I conclude that both appeals should be allowed.

C Parker

INSPECTOR

Appendix A - Conditions 3299106

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3751/101 Rev D, 3751/102 and 3751/103 (dated July 2021) and 3751/210 Rev A, 3751/211 Rev A, 3751/212, 3751/213 Rev B, 3751/215 Rev A, 3751/216 Rev A, 3751/217 Rev A and 3751/218 (dated January 2022), all received 21 February 2022 and the plan numbered 3751/214 Rev C, dated January 2022, and received 1 March 2022.
- 3) Prior to the commencement of the development hereby permitted, the applicant or their agents or successors in title shall secure the implementation of a programme of archaeological work (which may comprise more than one phase of works) in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the planning authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.
- 4) Prior to the commencement of the development hereby permitted, details of the materials, finishes and colours to be used in the construction of the external surfaces of the buildings (including but not limited to walls, roofs, doors, windows) and boundary treatments, where relevant, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the development and maintained for the lifetime of the development.
- 5) Prior to the commencement of the development, hereby permitted, details of final revised hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority.
 - Hard landscaping details shall include, as appropriate, proposed finished floor levels or contours, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials.
 - Soft landscaping details shall include a planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable as well as information covering the new tree and hedge planting. This includes two additional species for the native hedge and a Tree Schedule to the plan itemising the species, size, and number of trees.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority.

Any trees or plants which, within a period of five years after planting, are removed, die, or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.
- 6) Prior to the commencement of the development hereby permitted, a detailed strategy for biodiversity enhancements and ecological permeability in line with the measures set out in paragraphs 4.10 and 4.36 of the submitted ecological survey report (Crossman Associates, ref: A1145.001, Issue Three, October

2021) and including a detailed scheme to maintain the ecological permeability of the site (especially with regard to reptiles, amphibians and hedgehogs) shall be submitted to and approved in writing by the local planning authority. Once approved the strategy shall be implemented in full unless otherwise agreed by the local planning authority in writing.

- 7) Prior to the commencement of the development hereby permitted, final details of the drainage system shall be submitted to and approved in writing by the local planning authority. The details shall include how the site currently drains and will be drained after proposed development with finalised SuDS.

New hard surfacing hereby permitted shall be constructed from porous materials or provision shall be made to direct water run-off from the hard surface to a permeable or porous area within the curtilage of the development, and the hard surfacing shall thereafter be so maintained.

The approved scheme shall be implemented prior to the first occupation of the development and shall be maintained in the approved form for as long as the development remains on the site.

- 8) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection measures required by the approved Tree Protection Plan dated July 2021 and Section 10 of the Arboricultural and Planning Integration Report (GHA Trees, Ref: GHA/DS/155660:21, dated 13 July 2021 are in place on site.

No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

- 9) The development hereby permitted is to be carried out in full accordance with the mitigation strategy outlined in paragraphs 4.23 to 4.35 inclusive of the submitted ecological survey report (Crossman Associates, ref: A1145.001 Issue Three, October 2021) unless otherwise agreed in writing by the local planning authority.
- 10) No part of any building(s) hereby permitted shall be occupied or used until the vehicle and cycle parking has been provided in accordance with the approved plans. The parking shall be permanently maintained and remain available for the parking of vehicles and cycles at all times.
- 11) Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* (or any Order revoking and re-enacting that Order with or without modification), no gates or barriers shall be erected unless set back a distance of at least 5m from the highway boundary and so as to open away from the highway.

- 12) Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* (or any Order revoking and re-enacting that Order with or without modification), the garage accommodation shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business use nor as habitable space.
- 13) Notwithstanding the provisions of Part 1 of the Second Schedule the *Town and Country Planning (General Permitted Development) (England) Order 2015* (or any Order revoking and re-enacting that Order with or without modification), no buildings, enlargement or alterations permitted shall be carried out without the express permission in writing of the local planning authority.
- 14) No part of any building(s) hereby permitted shall be occupied or used for any residential purposes until the animal enclosures, aviaries and office/staff welfare building present on site have been demolished and removed in their entirety, and the land left in an appropriate state as approved under Condition 5 (landscaping) of this decision.

***** END OF CONDITIONS APPEAL A *****

Appendix B – Conditions 3289621

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3751/200 Rev H (dated 27 August 2021) and 3751/208 Rev D (dated 27 August 2021), received 31 August 2021, 3751/205 Rev C, 3751/206 Rev B, dated July 2021 and received 20 August 2021 and 3751/203 Rev A, 3751/204 and 3751/207, dated July 2021 and received 18 July 2021.
- 3) Prior to the commencement of the development hereby permitted, the applicant or their agents or successors in title shall secure the implementation of a programme of archaeological work (which may comprise more than one phase of works) in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the local planning authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.
- 4) Prior to the commencement of the development hereby permitted, details of the materials, finishes and colours to be used in the construction of the external surfaces of the buildings (including but not limited to walls, roofs, doors, windows) and boundary treatments, where relevant, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the development and maintained for the lifetime of the development.
- 5) Prior to the commencement of the development, hereby permitted, details of final revised hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority.

- Hard landscaping details shall include, as appropriate, proposed finished floor levels or contours, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials.
- Soft landscaping details shall include a planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable as well as information covering the new tree and hedge planting. This includes two additional species for the native hedge and a Tree Schedule to the plan itemising the species, size, and number of trees.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die, or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

- 6) Prior to the commencement of the development hereby permitted, a detailed strategy for biodiversity enhancements and ecological permeability in line with the measures set out in paragraphs 4.10 and 4.36 of the submitted ecological survey report (Crossman Associates, ref: A1145.001, Issue Three, October 2021) and including a detailed scheme to maintain the ecological permeability of the site (especially with regard to reptiles, amphibians and hedgehogs) shall be submitted to and approved in writing by the local planning authority. Once approved the strategy shall be implemented in full unless otherwise agreed by the local planning authority in writing.
- 7) Prior to the commencement of the development hereby permitted, final details of the drainage system shall be submitted to and approved in writing by the local planning authority. The details shall include how the site currently drains and will be drained after proposed development with finalised SuDS.

New hard surfacing hereby permitted shall be constructed from porous materials or provision shall be made to direct water run-off from the hard surface to a permeable or porous area within the curtilage of the development, and the hard surfacing shall thereafter be so maintained.

The approved scheme shall be implemented prior to the first occupation of the development and shall be maintained in the approved form for as long as the development remains on the site.

- 8) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection measures required by the approved Tree Protection Plan dated July 2021 and Section 10 of the Arboricultural and Planning Integration Report (GHA Trees, Ref: GHA/DS/155660:21, dated 13 July 2021 are in place on site.

No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

- 9) The development hereby permitted is to be carried out in full accordance with the mitigation strategy outlined in paragraphs 4.23 to 4.35 inclusive of the submitted ecological survey report (Crossman Associates, ref: A1145.001 Issue Three, October 2021) unless otherwise agreed in writing by the local planning authority.
- 10) No part of any building(s) hereby permitted shall be occupied or used until the vehicle and cycle parking has been provided in accordance with the approved plans. The parking shall be permanently maintained and remain available for the parking of vehicles and cycles at all times.
- 11) Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* (or any Order revoking and re-enacting that Order with or without modification), no gates or barriers shall be erected unless set back a distance of at least 5m from the highway boundary and so as to open away from the highway.
- 12) Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* (or any Order revoking and re-enacting that Order with or without modification), the garage accommodation shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business use nor as habitable space.
- 13) Notwithstanding the provisions of Part 1 of the Second Schedule the *Town and Country Planning (General Permitted Development) (England) Order 2015* (or any Order revoking and re-enacting that Order with or without modification), no buildings, enlargement or alterations permitted shall be carried out without the express permission in writing of the local planning authority.
- 14) No part of any building(s) hereby permitted shall be occupied or used for any residential purposes until the animal enclosures, aviaries and office/staff welfare building present on site have been demolished and removed in their entirety, and the land left in an appropriate state as approved under Condition 5 (landscaping) of this decision.

***** END OF CONDITIONS APPEAL B *****