



Appeal Decision

Site visit made on 27 June 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2024

Appeal A Ref: APP/K3605/W/23/3328936

Woodpeckers, Downside Common, Downside, Cobham, Surrey KT11 3NX

- 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 R Heggarty against the decision of Elmbridge Borough Council.
 - The application Ref is 2022/3564
 - The development proposed is single-storey outbuilding to be used as a barn, horse stables and storage.
-

Appeal B Ref: APP/K3605/D/23/3328988

Woodpeckers, Downside Common, Downside, Cobham, Surrey KT11 3NX

- 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 R Heggarty against the decision of Elmbridge Borough Council.
 - The application Ref is 2023/1406
 - The development proposed is (retrospective) Replacement of side gates.
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for single-storey outbuilding to be used as a barn, horse stables and storage at Woodpeckers, Downside Common, Downside, Cobham, Surrey KT11 3NX in accordance with the terms of the application, Ref 2022/3564, and the plans submitted with it, subject to the attached schedule of conditions.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. In relation to Appeal A, in the header above, I have used the description of development provided by the appellant on the appeal form since this more accurately reflects the nature of the proposal.
4. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.

5. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework published in December 2023, and any reference to paragraph numbers are to this version.
6. I observed the development that has taken place on the appeal site. However, I cannot be certain that the development is the same as indicated on the submitted plans. I have considered the proposals based on the drawings and not what has occurred to date. Therefore, I have referred to the effect the proposals would have rather than those the existing development on site is having.

Main Issues

7. The main issues in relation to Appeals A and B are:
 - Whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework (2023) (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; and
 - If it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development.
8. The main issue in relation to Appeal B is:
 - The effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed building, the Cricketer's Public House, and the extent to which it would preserve or enhance the character or appearance of the Downside Village Conservation Area (the CA).

Reasons

Appeal A – Whether or not inappropriate development

9. The appeal site is located within the Green Belt. It comprises a driveway, area of hardstanding with outbuildings and a grassed paddock area located towards the rear of the site, within which the appeal building is located. A residential dwelling, Woodpeckers which is a detached house, is shown edged in blue on the submitted site location plan as it is owned by the appellant.
10. The appeal site is located within Downside Common, which is a village arranged around a large, triangular common. The part of the appeal site which contains the appeal building is set a significant distance from the highway and is screened by a mixture of tall wood panel fencing and mature boundary planting, which filter views into the site so there is limited visibility into it.
11. Whilst enclosed by hedgerows and trees around its boundaries, the appeal site itself exhibits both spatial and visual openness which is consistent with the rural character of much of the village. Notwithstanding this, adjacent to the appeal site is a large car parking area associated with the neighbouring

Cricketer's Public House. This has an urbanising effect on the character of this part of the Green Belt.

12. Policy DM17 of the Elmbridge Local Plan Development Management Plan (2015) (DMP) states that, amongst other things, in order to uphold the fundamental aims of the Green Belt to prevent urban sprawl and to keep land within its designation permanently open, inappropriate development will not be approved unless the applicant can demonstrate very special circumstances that will clearly outweigh the harm.
13. The fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. Paragraph 152 of the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
14. The appellant indicates that the building is required to provide dry and secure protection for his four horses and storage of equipment. The horses belong to the appellant and are for his and his families' private domestic recreational enjoyment. I note that the description of development used on the planning application form refers to an 'agricultural building' and that the planning application stated that an agricultural building would provide stabling and storage in association with the agricultural use of the land. Whilst agricultural machinery used for the maintenance of the surrounding land could be stored within the building, the appellant also confirms that, in addition to stables, the building would be used to secure feed, hay storage and equestrian equipment associated with the equestrian use. Consequently, the evidence before me, including my observations at the site visit, indicate that the building will be primarily used for horse stables and the storage of items associated with the private equestrian use. Therefore, the building cannot reasonably be described as a building for solely agricultural use.
15. Paragraph 154 of the Framework sets out that the construction of new buildings in the Green Belt is inappropriate unless one of the stated exceptions apply. Of those exceptions, paragraph 154 b) allows for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
16. Part b. of Policy DM17 outlines that built development for outdoor sport and recreation will need to demonstrate that the building's function is ancillary and appropriate to the use, that it would not be practical to re-use or adapt any existing buildings on the site and that proposals should be sited and designed to minimise the impact on the openness of the Green Belt and should include a high quality landscape scheme.
17. Whilst the Framework does not mention the specific further requirements outlined by Policy DM17, this does not mean that the policy is inconsistent with it. This is because both Policy DM17 and the Framework presume against new buildings in the Green Belt subject to exceptions, with Policy DM17 merely providing additional criteria.

18. In terms of the criteria set by Part b of Policy DM17, the appeal building is used for keeping horses which belong to the appellant and are for his private recreational enjoyment. There are no other existing buildings on the site which would be practical for re-use or adaption to provide stables.
19. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
20. Whilst the preservation of the openness of the Green Belt is something of a binary test, with this exception falling under the construction of new buildings, it can equally be reasonably accepted that appropriate facilities can, and arguably in most cases would, involve the construction of buildings. Whilst the proposal is not insignificant in scale, it is a single storey structure with a pitched roof which would have limited effect on the spatial openness of the Green Belt.
21. The appeal building is finished with timber cladding and slates, having a traditional agricultural appearance. It is screened by the site's dense boundary hedging. Whilst it can be seen in some limited views from the adjoining car park, it is not a prominent feature. Given the existing screening and its relationship with nearby development, the appeal building would have negligible effect on the openness of the Green Belt in visual terms.
22. It has been suggested that the use of the land surrounding the appeal building for keeping horses results in a material change of use of the land. I note that a change of use of the land is not part of the description of development. However, even if I were to accept the position that a change of use has occurred, Paragraph 155 e) of the Framework states that material changes in the use of land (such as changes of use for outdoor sport or recreation) would not be inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
23. Although not referenced in the reason for refusal, I have been referred to Policy DM19 of the DMP. This confirms that new development associated with appropriate horse-related activities will be permitted, including within the Green Belt provided it complies with policy, if it would respect the character and amenity of the area without resulting in undue pressure on local infrastructure, nature conservation and biodiversity.
24. In this regard, the main parties agree that the proposal does not have a harmful effect on the character or appearance of the area or the living conditions of neighbouring occupiers. As it relates to a building to house four horses for private use, I do not consider that it results in harmful pressure on local infrastructure, nature conservation and biodiversity.
25. The provision of a building used for stabling, to secure feed, hay storage and equestrian equipment does not amount to urban sprawl, being a typically rural form of development. There is no material encroachment into open countryside, given the existing use of the appeal site and its relationship with surrounding development. No issues arise in terms of merging of settlements, the setting of historic towns or promoting urban regeneration. I conclude that the appeal building provides appropriate facilities for outdoor sport or

recreation. It also preserves openness, and therefore, there is no conflict with the purposes of the Green Belt as defined in the Framework.

26. For the reasons identified above, the development accords with Policy DM17 of the DMP. The policy seeks to preserve the Green Belt from inappropriate development so that it continues to maintain its openness and serves its key functions. Accordingly, I find no conflict with the relevant part of the Framework which, amongst other things, seeks to prevent inappropriate development from occurring in the Green Belt

Appeal B – Whether or not inappropriate development

27. Policy DM18 of the DMP states that extensions and alterations to a building will be permitted provided they do not result in disproportionate additions over and above the size of the original building. A 'building' is defined in Section 336 of the Town and Country Planning Act 1990 to include any structure or erection and it therefore includes fences and gates. The policy indicates that support will be given to proposals that do not have a materially greater impact on the openness of the Green Belt.
28. Paragraph 154 of the Framework establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within the list of exceptions set out in this paragraph. 154 c) of the Framework lists the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the existing building as one such exception. Consequently, DM18 of the DMP is broadly consistent with the Framework.
29. The submitted evidence indicates that the previous gate was a five bar wood gate, which was approximately 1 metre in height and allowed views both through and over the gate into the appeal site. The submitted drawings indicate that the new gates are 4.9 metres wide and up to 2.0 metres in height. They have a solid design which prevents views through the gate.
30. Although the gate is no higher than the adjoining fence, based on the photographs, the gate appears approximately twice as tall as the previous five bar gate which it replaced. Consequently, it is significantly bulkier, is a disproportionate addition over and above the gate which it replaced, and fails to comply with Paragraph 154 c) of the Framework.
31. The appellant also considers the proposal to be determined against the exception at paragraph 154 e) of the Framework. In so far as it relates to this appeal, this exception concerns limited infilling in villages. The terms 'limited' and 'infilling' are not defined in the Framework. The Collins dictionary defines infilling as 'To infill a hollow place or gap means to fill it.' The proposal relates to a gate located in the same position as a gate previously stood. Consequently, in my planning judgment, the proposal simply involves the replacement of an existing structure, rather than 'infilling' any area within the village. As such, the proposal would not constitute an exception to Green Belt policy under paragraph 154 e).
32. Accordingly, I conclude that the proposal would be inappropriate development in the Green Belt, having regard to the Framework. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Appeal B - Openness

33. The Framework indicates that an essential characteristic of Green Belts is their openness and that the fundamental aim of Green Belt policy is to keep land permanently open. Openness of the Green Belt has a spatial as well as a visual aspect.
34. The gate is significantly taller and bulkier than the previous gate, reducing the spatial openness. Moreover, the previous five bar gate allowed a high degree of visual permeability, whereas the existing is of a solid construction and therefore further diminishes the openness of the Green Belt.
35. Therefore, I conclude that the proposal would not preserve, and would have a harmful effect on, the openness of the Green Belt. Given the relatively small scale of the proposal, I consider the harm to openness to be limited. However, the proposal would conflict with the provisions within the Framework which seek to preserve the openness of the Green Belt.

Appeal B – Heritage Assets

36. The appeal property is within the Downside Village Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me, in determining this appeal, to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
37. The CA focusses on an area encompassing the triangular area of common land which is strongly defined by straight enclosure roads to two sides. The boundary of the conservation area takes in most of the buildings and their gardens which front this green space. Much of the village is set against a pleasant well-wooded rural landscape.
38. The Design and Character Supplementary Planning Document Companion Guide : Cobham, Oxshott, Stoke D'Abernon & Downside (2012) (SPD) provides an overview of the character of Downside. This states that the area is strongly influenced by its rural setting (particularly to the north) which directly links to the triangular Common.
39. The character of this part of the CA and its significance stems from, amongst other aspects, the traditional architecture of the buildings fronting the Common, the rural setting of properties and open character of the landscape which directly links to the triangular Common. The appeal site is adjoined by Woodpeckers, which is a dwelling owned by the appellant. With its dense verdant boundary hedging and the small scale, traditionally designed dwelling which fronts the Common, the appeal site and Woodpeckers positively contribute to the character of the area.
40. As a result of the appeal site's location fronting the Common it is prominent within the CA, and the gate is visible in a range of views from the Common. During my site visit I noted that where properties within the CA have gates, these are generally simple, low in height, timber and are often open in design allowing filtered views into properties. In contrast, the tall, close boarded gates prevent views into the property. They are an imposing design, which has an urbanising effect, which would appear in stark contrast to the rural character of the CA and at odds to the simple, rural gates found within the CA. The planning application form describes the materials used as composite wood with black

metal frame and detailing. The composite timber and use of metal increases the prominence of the gates and highlights them as a discordant addition in both in close proximity and distant views across the Common.

41. The Downside Village Character Appraisal & Management Document (2014) (CAMD) states that inappropriate boundaries to residential properties can detract from the character and appearance of the area. The important characteristic of all front and rear boundary treatments is simplicity and this should be continued in any proposals for change or replacement of existing boundary treatments. I have seen nothing of substance to suggest the guidance in the CAMD is misplaced or dated and it supports what I observed. As such, the guidance in the CAMD is a matter of significant weight in my considerations.
42. Whilst I noted taller, solid gates at the entrance to St Matthews Church of England Infant School, these have a different effect on the CA being related to a community use and located in a less prominent location at the corner of the Common. They are therefore not directly comparable to the present case. In contrast, the gates at the appeal property would be unduly prominent and harmful to the character or appearance of the CA.
43. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me, in determining this appeal, to have special regard to the desirability of preserving the listed building, or its setting, or any features of special architectural or historic interest which it possesses.
44. The List description confirms that the Grade II listed Cricketers Public House (the LB), was listed in 1988 and dates from the seventeenth century. It is two storeys in height. Amongst other things it is described as being timber framed on rendered plinth, with rendered cladding, a plain tiled roof and rendered gables.
45. The significance of the LB is derived mostly from its age, architectural quality, its setting in a prominent position fronting the Common and its contribution to the rural character of the area as a traditionally constructed former public house which is a notable local landmark.
46. Its extensive car park is a contemporary feature which detracts from the setting of the LB. However, the car park is located to the rear of the LB and is not prominent in views from the Common. I appreciate that the surroundings to the appeal site have been altered over time. However, when viewed from the Common the LB and its immediate setting retains a charming rural character.
47. Given the gates' prominent position adjacent to the LB, when viewed from the Common and viewpoints to the front of it, they are a bold and jarring feature. Whilst these viewpoints may not be identified within the CAMD as being protected or of specific importance, as a result of their appearance the gates have an urbanising effect on the immediate area which is in stark contrast to the rural character of the LB. It is therefore my view that the proposal would have a greater impact on the setting of the LB than the traditionally designed gate which they replaced. Although they would not directly harm the fabric of the LB, given my findings above, the gates harm the setting of the heritage asset. This would negatively affect how the building is experienced.

48. Given the gates' prominent position, and clear intervisibility within views of the LB, I find that they fail to preserve the special interest of the listed building.
49. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification.
50. In failing to preserve the character and appearance of the CA and the setting of the LB, I find that the proposal would, in the words of the Framework, result in less than substantial harm to the significance of the designated heritage assets. In such circumstances, the Framework requires that the less than substantial harm should be weighed against the public benefits. The appellant argues that the development is required in order to secure and reduce the risk of criminal activity at the site as instances have occurred in the past involving anti-social behaviour. The gates also help reduce noise and light from the neighbouring public house and its car park. Paragraph 96 of the Framework outlines that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
51. However, based on the scale and nature of the development, the public benefits relating to this would be modest. They do not therefore outweigh the harm I have identified to the CA and the setting of the LB and the great weight given to the conservation of designated heritage assets.
52. For the above reasons, I find that the proposal would cause harm to the setting of the nearby Grade II listed building, Cricketers Public House, and to the character or appearance of the Downside Common Conservation Area. It would conflict with Policy CS17 of the Core Strategy (2011) (CS), Policies DM2 and DM12 of the DMP and the SPD which collectively prioritise the conservation of heritage assets when considering the overall impact of development proposals upon their significance and importance.

Appeal B - Other considerations

53. The appellant, as a Traveller, is an ethnic minority and thus has the protected characteristic of race under s149(7) of the Equality Act 2010. The appellant did not mention this within the submission to the Council. However, the Council discussed the appellant's traveller background in the officer report, and the appellant contends this unnecessarily made his background public knowledge. and has resulted in difficulties within the local community.
54. However, the concerns expressed regarding the Council's conduct during the processing of the planning applications are outside the remit of this appeal decision.
55. Notwithstanding this, in exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity.
56. The Act recognises that race constitutes a relevant protected characteristic for the purposes of PSED. Romany Gypsies and Irish Travellers are ethnic

minorities and thus have the protected characteristic of race. Furthermore, the appellant contends that the gate would provide perceived and real safety benefits and additional security to the appellant and his family, which includes children. Age is also a relevant protected characteristic to which the PSED applies.

57. The gate is located adjacent to the access road to the neighbouring public house car park, where there are frequent comings and goings until late at night. I understand that the appellant has experienced problems including beer bottles and rocks being thrown onto his land from the adjoining car park. Consequently, the appellant believes that his property, including his horses, could be the target of deliberate racist criminal activity, and that the gates provide important security.
58. The appellant indicates that the gates help reduce noise and light, and by restricting views and access into the applicant's property they reduce the risk of criminal activity.
59. Given the specific race and age related circumstances involved, the benefits associated with the proposal is a matter that attracts substantial weight. That is not to say that this matter will be determinative. Whether that is the case will require a balanced judgement based on the circumstances of any given case. I shall return to that balance later in my report.

Other Matters

Appeal A

60. The appeal building is located towards the rear of the plot a significant distance from the Common. Whilst the proposal involves a new building, given its distance from both the front of the appeal site and the Common, and the verdant boundary vegetation surrounding the appeal site, it would not be a prominent presence in views of and within the CA. Consequently, whilst interested parties have raised concerns about the impact on the CA, I share the view of the main parties that the proposal would not be detrimental to the CA and would thus preserve its significance, as a whole.
61. Interested parties have raised concerns about the impact of the proposal on traffic, highway safety and damage to the surrounding road network. The appeal relates to a building housing a small number of horses and equipment, for the appellant's private recreational enjoyment. Even if this were to result in a limited increase in local traffic, I have not been provided with substantive evidence that there would be a harmful impact on these matters as a result of the limited comings and goings.

Appeal B

62. It has been put to me that the gates are permitted development and do not require planning permission. However, the appellant has applied for planning permission, and therefore I have restricted my considerations to the planning merits of the appeal proposal before me.

Planning Balance

Appeal A

63. For the above reasons, and having had regard to all other matters raised, I conclude that the proposal would accord with the development plan and the Framework. The appeal is therefore allowed.

Appeal B

64. The proposal would constitute inappropriate development in the Green Belt which should not be approved except in very special circumstances. It would also not preserve, and would have a harmful effect on, the openness of the Green Belt. Therefore, the development is contrary to Policy DM18 of the DMP and the principles of the Framework that seek to protect the Green Belt from inappropriate development. I am required to attach substantial weight to the harm caused by virtue of the proposal's inappropriateness.
65. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
66. The benefit of the gates in reducing noise and light, and the risk of criminal activity is a matter that attracts substantial weight. However, the submitted evidence does not provide details of alternative measures which have been ruled out, for instance security lighting. Similarly, there may be alternative designs of gates which are less impactful, whilst providing the same benefits. That tempers the arguments proposed in favour of the scheme, when viewed as a whole.
67. Whilst I am very sympathetic to the appellants' personal circumstances, I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is probable that the gates would remain long after the appellants' personal circumstances cease to be material. Nonetheless, the equality implications weigh notably in favour of the development.
68. I have also found that the development unacceptably harms the character and appearance of the Downside Village CA and the setting of the neighbouring LB and that the public benefits of development would not outweigh this. The development is contrary to CS17 of the CS and Policies DM2 and DM12 of the DMP. I afford these matters substantial weight.
69. Therefore, whilst I am very mindful of the needs of the appellant and his family members, and attach substantial weight to those needs, the cumulative weight attributed to that and the other considerations in support of the case does not outweigh the substantial harm I have identified.

Proportionality

70. The human rights interference associated with this conclusion is in accordance with the law and is necessary in a democratic society to protect the countryside by restricting inappropriate development, which is a legitimate objective. The relevant planning policy objectives could not be achieved by means less imposing or intrusive, and the minimum action necessary to achieve those important ends, would not have an excessive or disproportionate effect on the interests of the persons affected.
71. The public interest cannot be served by means that cause less interference with the appellant's rights. Therefore, dismissing the appeal is a proportionate

response in all the circumstances and a violation of rights under Article 1 of the First Protocol and Article 8 as set out under the Human Rights Act 1998 would not occur.

72. In accordance with the public sector equality duty, due regard has been paid to minimising the disadvantages suffered by the intended occupiers of the site and to meeting their needs in so far as they are different to those without a relevant protected characteristic. Whilst ultimately Appeal B is to be dismissed, these considerations have been at the forefront of the decision-making process. Because of the significant objections identified the outcome is a proportionate one.

Conditions

Appeal A

73. I have had regard to the planning conditions that have been suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
74. I have imposed an approved plans condition in the interests of certainty. I have imposed the Council's suggested condition related to the retention of existing trees and hedges in the interests of the character and appearance of the area.
75. I have not imposed the Council's suggested condition which related to the future use of the appeal building. This is because the use of the building for commercial purposes would require a new planning permission related to that change of use. Therefore, the condition would not be necessary, as required by paragraph 56 of the Framework.

Conclusion

Appeal A

76. For the above reasons, and having had regard to all other matters raised, I conclude that the proposal would accord with the development plan and the Framework. The appeal is therefore allowed.

Appeal B

77. The proposal would be contrary to the development plan and the Framework taken as a whole. There are no other material considerations which indicate that the decision should be determined other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR

APPEAL A - SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Block Plan – proposed layout and Stable building floor & roof plans & elevations.
- 2) All existing trees, hedges or hedgerows inside the identified site boundary shall be retained, unless shown on the approved drawings as being removed and the paragraph below shall have effect until the expiration of 5 years from the first occupation of the proposed development.
No retained tree, hedge or hedgerow shall be cut down, uprooted or destroyed, other than in accordance with the approved plans and particulars. If any retained tree, hedge or hedgerow is removed, uprooted or destroyed or dies, another tree, hedge or hedgerow of similar size and species shall be planted at the same place, in the next available planting season or sooner.

END OF SCHEDULE