



## Appeal Decisions

Site visit made on 2 October 2024

by **J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

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### **Appeal A Ref: APP/M3645/W/24/3343193**

#### **Land east of Woodcock Hill, Felbridge RH19 2RD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by H Mistry and V Patel against Tandridge District Council.
  - The application Ref is 2023/1094.
  - The development proposed is Demolition of existing three agricultural buildings together with the animal shelter and pig sty; erection of two dwellings together with access, parking and landscaping.
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### **Appeal B Ref: APP/M3645/W/24/3343194**

#### **Land east of Woodcock Hill, Felbridge RH19 2RD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by H Mistry and V Patel against Tandridge District Council.
  - The application Ref is 2023/1270.
  - The development proposed is Demolition of all existing buildings and erection of a single dwelling, together with access, parking and landscaping.
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### **Decisions**

1. Appeal A is allowed and planning permission is granted for Demolition of existing three agricultural buildings together with the animal shelter and pig sty; erection of two dwellings together with access, parking and landscaping at Land east of Woodcock Hill, Felbridge RH19 2RD in accordance with the terms of the application, Ref 2023/1094, subject to the conditions in the attached schedule.
2. Appeal B is allowed and planning permission is granted for Demolition of all existing buildings and erection of a single dwelling, together with access, parking and landscaping at Land east of Woodcock Hill, Felbridge RH19 2RD in accordance with the terms of the application, Ref 2023/1270, subject to the conditions in the attached schedule.

### **Preliminary Matters**

3. In each appeal, the appeal site comprises part of a large field within the countryside and includes buildings proposed for demolition (described as a cattle barn, metal barn, poultry barn, pig sty and animal shelter), which are generally dispersed, rather than clustered together. The boundary of the appeal site differs slightly in each appeal in terms of the boundary around each dwelling and/or a proposed building for demolition. The design, siting and footprint of the proposed dwelling in the Appeal B scheme would not be the same as any dwelling in the Appeal A scheme. Although I have considered each appeal on its own merits, I have considered them together to avoid duplication, except where otherwise indicated, and I have used the singular term 'appeal site' for convenience.

4. There was some confusion regarding the description of development for Appeal A in terms of the demolition part of the proposal. The planning application form refers to the pig sty, while the appeal form refers to the animal shelter. However, in their final comments, the appellants indicate the appeal form is in error, and that the description is as set out in the Council's statement of case, which refers to both. The application plans and accompanying details clearly include both. I have therefore used this description in my banner heading and formal decision above.
5. For Appeal B, the description of development in my banner heading and formal decision above is taken from the appeal form. Although different to that used on the planning application form, the evidence indicates that the change was agreed.
6. During the course of the appeal, the appellants submitted an amendment to the Appeal B scheme whereby the curtilage around the proposed dwelling would be reduced and the boundary treatment would be altered from post and rail fencing to native hedge planting. Having regard to the interests of fairness, and principles outlined in case law<sup>1</sup>, the amendment would not result in a substantive change to the proposal. Furthermore, there was an opportunity within the appeal timetable for the Council and interested parties to comment on the proposed amendment, and the Council issued a further consultation letter to this effect. I am therefore satisfied that no party has been prejudiced by the acceptance of the amended scheme.
7. The appellants draw my attention to an emerging local plan: the Tandridge District Council Our Local Plan 2033. The examining Inspector's report dated 14 February 2024 indicates that the plan has been found unsound. The Council's submissions do not rely on any policies of this emerging plan and no such policies are before me. Therefore, the emerging plan attracts no weight in my consideration of both appeals.
8. On 12 December 2024, the National Planning Policy Framework (the Framework) was revised. The main parties were given an opportunity to comment on this matter and I have taken account of the comments made. The further amendment made on 7 February 2025 does not constitute a change to policy, and therefore no party is prejudiced by a lack of consultation on this amendment.

### **Background and Main Issues**

9. The appeal site is the subject of various other schemes (the three other schemes). The first is a prior approval Ref: TA/2021/1478/NC for a change of use from agricultural buildings to three dwellinghouses, under schedule 2, part 3 Class Q of the GPDO<sup>2</sup> (the Order), which I shall refer to as the Class Q scheme. The evidence before me (including the decision notice dated 5 October 2021) indicates that prior approval was not required, that conditions were imposed and subsequently discharged.
10. The second and third schemes are in effect alternative proposals to the appeals before me. Permission Ref: TA/2024/794 was granted in September 2024 for a two-dwelling scheme, and application Ref: TA/2024/726 for a single dwelling scheme was withdrawn. All five schemes (the five schemes) are referenced within a planning obligation before me.

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<sup>1</sup> Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]; Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin).

<sup>2</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

11. A proposal at the appeal site (albeit with a slightly different boundary) comprising demolition of various buildings and erection of three dwellings was dismissed on appeal in May 2024 (Ref: APP/M3645/W/23/3328736).
12. Both appeals are made against the failure of the Council to give notice of its decision within the prescribed period. The Council's initial submissions included a putative reason for refusal (RFR) together with draft officer reports which considered the applications. However, following the publication of the revised Framework, the Council accepts that each proposal would not be inappropriate development in the Green Belt, as it considers that each proposal would amount to 'grey belt', and that the benefits of each scheme would outweigh harm to openness. The Council no longer wishes to defend its putative RFR in both appeals. These matters have informed the framing of my main issues.
13. The Framework defines 'grey belt' as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. However, the definition excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. Part of the appeal site includes Ancient Woodland (defined as an irreplaceable habitat within the Framework) and an area of Flood Risk. In both appeals, the effect upon Flood Risk and the Ancient Woodland does not form a putative RFR. Nonetheless, I am required to consider these matters in order to reach a conclusion as to whether the proposals would be 'grey belt'.
14. Therefore, I consider the main issues in each appeal to be:
  - whether the appeal site comprises grey belt land, with particular regard to the effect of the proposal upon Flood Risk and Ancient Woodland;
  - whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and development plan policies; and if so,
  - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

## Reasons

### *Whether grey belt*

15. The appeal site is not located near any large built-up area, nor is it close to a neighbouring town, historic or otherwise, and it would therefore not serve to prevent neighbouring towns from merging into one another or to preserve the setting and special character of a historic town. For these reasons, it would not strongly contribute to any of the three Green Belt purposes (a), (b) or (d).
16. Although the majority of the appeal site is in Flood Risk Zone 1, part of the access track is within Zones 2 and 3. The Flood Risk Assessment & Surface Water Drainage Strategy for each appeal scheme demonstrates that safe access/egress can be gained to and from the site in the event of flooding, via the nearby public footpath with emergency vehicles routed via Heather Way. Furthermore, surface water can be managed on site to reduce flood risk to and from the development. These matters can be secured by condition. Consequently, the effect of each

proposal upon Flood Risk would not form a strong reason for refusing or restricting development.

17. Advice from Natural England is that proposals for development should have a buffer zone of at least 15m from the boundary of an Ancient Woodland. The proposals would result in demolition activity within the Ancient Woodland, and within its buffer zone. The Framework makes clear at paragraph 193 that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
18. An Ancient Woodland Impact Assessment accompanies each application. In summary, the proposals would result in unavoidable harm to the Ancient Woodland arising from demolition, whereby short-term mitigation would be unfeasible. However, longer term negative impacts on the Ancient Woodland can be mitigated and there are opportunities for biodiversity net gain including woodland creation, regeneration of small areas of the Ancient Woodland, restoration of an existing pond, replacement of ornamental planting with native trees and shrubs and the installation of bird and bat boxes. The proposals include a mitigation and enhancement plan (MEP) to address these matters, and this would form a significant benefit to the Ancient Woodland, providing it can be suitably secured.
19. The Council accepts that the Class Q scheme is a fallback position. The proposed dwelling(s) in the appeal schemes would be sited outside of the Ancient Woodland's buffer zone and farther away than the buildings within the Class Q scheme. The assessments before me demonstrate that the Class Q scheme would be more harmful over a longer-term timeframe, due to (among other things) construction activities and activities that would arise from occupation of the buildings.
20. A planning obligation by way of unilateral undertaking under s106 of the Act (dated 5 September 2024) is before me and relates to the five schemes. The deed binds the owners and successors in title not to undertake any works to implement the Class Q scheme, or to commence development of the remaining four schemes until a prescribed form of notice is served on the Council (within 36 months of my decision on the appeals) identifying which scheme is to be implemented, such that the implementation or commencement of the remaining schemes and the Class Q scheme would be prevented. The definition of pre-commencement within the deed is any material operation as defined by s56(4) of the Act, with certain specific exclusions, such that demolition is not excluded for the purposes of the deed. Accordingly, works of demolition would form an operation of pre-commencement for the purposes of the deed.
21. The deed includes provisions for the effective date, bound to the grant of permission of the remaining four schemes in isolation or in combination, subject to provisions for any subsequent quashing of any decision or its revocation. As permission has been granted for the alternative scheme for two dwellings Ref: TA/2024/794, the deed is now in effect. Any expiry of the prior approval of the Class Q scheme after the deed came into effect would not alter its operation.
22. Furthermore, the deed secures the demolition of the existing buildings prior to the commencement of development in the notified scheme; that such works are

undertaken in accordance with the MEP and Arboricultural Method Statement (which are defined in the deed and as submitted with each appealed application); and with all materials to be removed from the site within 20 days of demolition taking place. The deed requires working methods for the removal of three buildings (Animal Shelter, Chicken Barn and Metal Barn) to be agreed with the Council, and in the case of the appeal schemes, subject to any conditions relating to the 'demolition method statement' (DMS) I impose. The deed does not define 'working methods' nor a DMS. I consider these terms to have a plain meaning in the context of development, and that such matters should be secured through the imposition of suitably worded pre-commencement and/or other conditions if I were to allow the appeals.

23. I am asked by the appellants (prior to comments on the revised Framework) to consider whether the prior approval is 'crystallised', with reference to various legislation and caselaw and in light of the current provisions for Class Q of the Order. With the passage of time, the Council considers that the prior approval has expired. I note that the provisions of the Order both now and at the time of the prior approval require such development to be completed within three years of the decision date. In any event, the fact of the matter is that the Council clearly accepts the fallback position, and whether by crystallisation or a further prior approval application, such a scheme would result in more direct and indirect harm to the Ancient Woodland than the appeal proposals. The fallback position remains a realistic prospect.
24. Taken together, the proposed mitigation and enhancement plan and a more harmful fallback position (insofar as it relates to the effect upon the Ancient Woodland) demonstrate wholly exceptional circumstances and the existence of a suitable compensation strategy, which would be secured in the form of a planning obligation and by conditions. I am therefore satisfied that the proposals before me should not be refused on the grounds of loss or deterioration to the Ancient Woodland, in accordance with paragraph 193 of the Framework.
25. Consequently, there are no relevant policies relating to the assets in footnote 7 of the Framework (other than Green Belt) which would provide a strong reason for refusing or restricting development. Therefore, for the reasons above, I conclude that the appeal site comprises grey belt land.

#### *Whether inappropriate development*

26. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (TLP) seeks to refuse permission for inappropriate development in the Green Belt, unless very special circumstances exist. TLP Policy DP13 sets out certain exceptions to this, largely reflecting those within paragraph 154 of the Framework. Taken together, these policies are in general conformity with the Framework. However, the approach does not take account of paragraph 155 of the Framework, which identifies that the development of homes in the Green Belt should not be regarded as inappropriate, subject to certain criteria being satisfied.
27. Given my conclusion on the first main issue, the proposals would utilise 'grey belt' land. Due to the scale of development, the proposed dwelling(s) would occupy only a very small area of grey belt land compared to the remaining Green Belt across the district, and the majority of the Green Belt within the district would be unaffected by the proposals. Because of this, the proposals would not

fundamentally undermine the purposes (taken together) of the remaining Green Belt. Both proposals would therefore comply with criterion a of paragraph 155 of the Framework.

28. The proposals would provide homes. The evidence before me indicates that the Council cannot demonstrate a five-year supply of deliverable housing sites, with the supply considered to be about 1.92 years. This is a considerable shortfall and represents a demonstrable unmet need for housing development in accordance with footnote 56 of the Framework. The proposals would therefore comply with criterion b of paragraph 155 of the Framework.
29. The site is within a rural area where opportunities to maximise public transport solutions will be more limited than in urban areas. There are no objections on grounds of highway safety or adverse impact upon the highway network and the proposals would achieve safe and suitable access for all users. Suitable measures to encourage the uptake of more sustainable forms of travel can be secured within each scheme. For these reasons, the proposals would comply with criterion c of paragraph 155 of the Framework. As each proposal would not be major development, it would not require compliance with criterion d of paragraph 155 of the Framework.
30. For the reasons above, all relevant criteria of paragraph 155 of the Framework would be satisfied. Consequently, the proposals should not be regarded as harmful to either the openness of the Green Belt or to the purposes of including land within it in accordance with footnote 55 of the Framework. I therefore conclude that the proposals would not be inappropriate development in the Green Belt. Given this conclusion, it is not necessary for me to address the third main issue.

### **Other Matters**

31. Interested parties raise concerns regarding a number of other matters, including the suitability of the existing access for the proposals. Each scheme is supported by drawings demonstrating that visibility splays can be secured; and that vehicles can enter and leave the site in forward gear with areas for turning within the site. A suitable surface for the access would be required. These matters can be controlled by condition. There is no compelling evidence to demonstrate that the proposals would lead to congestion at the nearby junction to the A22.
32. Effects upon wildlife have been taken into account. Each application is accompanied by various reports assessing the impacts upon protected species, other wildlife and the Ancient Woodland. Potential impacts are addressed, suitably mitigated and enhancements are also proposed. These matters are subject to suitable controls in the form of conditions and a planning obligation.
33. The provision of various utilities to service development are usual requirements of any development, and there is no compelling evidence before me to demonstrate that such services cannot be secured. Each proposal includes a bin store for waste and recycling, and there is no compelling evidence before me to indicate that kerbside collection cannot be accommodated. Any blocking of access to the site by vehicles is a private matter.
34. Concerns are raised that the appellants did not wait for the Council to determine each application. However, an applicant has a right to appeal against a failure to

determine an application within the prescribed period. The name or address of an applicant or how the site is described in any site address does not affect the consideration of the planning merits of the proposal.

35. The main parties have referred to previous permissions, appeal decisions and extensive caselaw in their submissions, largely relating to exceptions to inappropriate development in the Green Belt, openness, very special circumstances and fallback positions. Given my findings, it is not necessary for me to consider these matters further.

### **Planning Balance**

36. I am required to determine both appeals in accordance with the development plan unless material considerations indicate otherwise. Prior to the revision of the Framework, the Council considered that each proposal would be inappropriate development, for which no very special circumstances exist, in conflict with TLP Policy DP10. However, the provisions of the Framework on this matter attract significant weight, and there is no other identified conflict within the development plan. I therefore conclude that the material considerations of the Framework are such that they outweigh the conflict with the development plan in each case. In this instance, both appeals can be determined other than in accordance with the development plan. I therefore conclude that the proposals are suitable for the site.

### **Conditions**

37. I have considered the conditions suggested by the Council, the comments of the appellants, including pre-commencement, and in light of Planning Practice Guidance (PPG). For clarity, precision and to ensure compliance with the PPG, I have undertaken some amendments, editing and rationalisation. The appellant has indicated their written agreement to the terms of those conditions requiring compliance prior to the commencement of development, as per section 100ZA of the Act.
38. For each appeal, the conditions I have imposed are essentially the same, save for condition 2 and other conditions referencing specific drawings or documents. Other differences arise to take account of the fact that two dwellings are proposed in Appeal A, and one dwelling in Appeal B. To avoid duplication, my reasoning below in this section refers to both sets of conditions.
39. Conditions 1 and 2 respectively impose a time limit for commencement and require the development to be completed in accordance with the approved plans and documents. These conditions are necessary in the interests of clarity and precision.
40. Condition 3 is necessary to ensure that certain buildings are demolished in accordance with pre-agreed working methods to prevent and/or minimise harm to the Ancient Woodland; to prevent the implementation of alternative schemes; and to ensure that due notice is given to the local planning authority of the key stages of the demolition works. Condition 4 is necessary to ensure that a Construction and Environmental Management Plan (CEMP) is in place to control noise, disturbance and pollution arising from demolition and construction activity; to ensure public safety and the safe operation of the highway network; and to protect the reasonable amenity of neighbours. These conditions are imposed as pre-

commencement conditions to ensure that suitable controls and measures are in place prior to any works being undertaken.

41. Condition 5 seeks to ensure suitable hard and soft landscaping works are agreed prior to any works above ground, in the interests of the appearance of the development and to prevent and/or /minimise harm to the Ancient Woodland and its buffer zone. Condition 6 is necessary to ensure that the development is completed in accordance with the approved flood risk and surface water drainage strategy in the interests of flood risk and future occupiers. Condition 7 requires the external surfaces of the dwellings to be constructed in the materials indicated on the approved plans and is reasonable and necessary to ensure a satisfactory appearance to the development in the interests of the character and appearance of the area.
42. Conditions 8-10 inclusive are reasonable and necessary in the interests of highway safety and conditions 11 and 12 are reasonable and necessary in the interests of sustainable transport. I have imposed condition 13 in the interests of tackling climate change, to ensure the proposed renewables are installed and (as recommended by the Council's Environmental Health Officer) to ensure that any unacceptable levels of noise from air source heat pumps is suitably mitigated. Condition 14 is necessary to control external lighting in the interests of biodiversity and protected species.
43. The Council suggested conditions to remove permitted development rights, in the interests of the openness of the Green Belt, the character of the area and the amenities of nearby properties. The PPG advises that conditions should not be used to restrict such rights unless there is clear justification to do so. Such rights have not been removed in the Order for land in the Green Belt, and there is no compelling justification to do so in these cases. Other than being located within the Green Belt, there is nothing before me to indicate that the site lies within an area of special character or is subject to a landscape designation. I find no reason to consider that the exercise of such rights would result in a need to safeguard the amenities of neighbouring occupiers.

## **Conclusions**

44. For the reasons above, both Appeal A and Appeal B should succeed, and planning permission should be granted, subject to the conditions I have set out.

*J Moore*

INSPECTOR

## **Schedule of Conditions: Appeal A Ref: APP/M3645/W/24/3343193**

### *Time limit*

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

### *Drawings and documents*

- 2) The development hereby permitted shall be carried out in accordance with the following drawings and documents:

#### *Drawings:*

- 210720\_R1\_100 Existing Open Sided Barn Plans & Elevations
- 210720\_R\_101 Existing Large Barn Plans & Elevations
- 210720\_R1\_102 Existing Chicken House Plans & Elevations
- 2209-02-SL11 Animal Shelter Plans & Elevations
- 2209-02-SL12 Pig sty Floor Plans & Elevations
- 2307-01-SL11A Proposed Site Layout
- 2209-02-SL012A Proposed Block Plan
- 2209-02-SL13 Access Block Plan
- 2209-02-SL011 Proposed Floor Plan & Elevations Plot 1
- 2209-02-SL012 Proposed Floor Plan & Elevations Plot 2
- 2209-02-SL004 Proposed Floor Plan /Elevations Cycle /Bin Store
- 2209-02-SL15 Swept Path Drawing
- 2209-02-SL04A Visibility Splay Drawing
- RCG-WH-TLP Rev A Tree Location Plan
- RCG-WH-TPP Rev A Tree Protection Plan

#### *Documents:*

- Mitigation and Enhancement Plan 939 (Ecoassistance undated)
- Arboricultural Report (RCG Agriculture, 19 August 2023)
- Flood Risk Assessment & Surface Water Drainage Strategy (Monsoon Engineering Ltd, 11 Aug 2023)
- Energy Statement (Therm Energy Limited, 14 August 2023)

### *Pre-commencement conditions*

- 3) No development shall take place, including demolition and site clearance until a demolition method statement (DMS) for the demolition of the Animal Shelter, Chicken Barn and Metal Barn as identified in drawing No 2307-01-SL11A has been submitted to and approved in writing by the local planning authority.

The DMS shall be informed by a suitably qualified ecologist and suitably qualified arboriculturist and shall provide for:

- a) details of all sensitive ecological features
- b) a plan or plans detailing sensitive ecological features and the extent of the area to which the DMS applies
- c) details of working methods for the demolition works, including all protection measures
- d) a scheme of supervision for the demolition works
- e) a timetable for the demolition works

- f) a prescribed form of written notice to inform the local planning authority of the dates of commencement and completion of the demolition works and the timing of such notices.

The development shall be undertaken in accordance with the approved DMS and within twenty working days of the completion of the demolition works, all arising materials shall have been removed from the site.

Thereafter, the area of the three buildings shall be restored in accordance with the approved Management and Enhancement Plan 989.

- 4) No development shall take place, including demolition and site clearance until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority.

The CEMP shall provide for:

- a) Map showing the location of all of the ecological features
- b) Risk assessment of potentially damaging construction activities
- c) Practical measures to avoid and reduce impacts during construction
- d) Location and timing of demolition, site clearance and construction works to avoid harm to biodiversity features
- e) Use of protected fences, exclusion barriers and warning signs
- f) Parking of vehicles of site operatives and visitors
- g) Arrangements for the loading, unloading and/or storage of plant and materials
- h) Delivery, demolition and construction working hours
- i) Names and contact details of all responsible persons during the demolition, clearance and construction phases of the development, including the person responsible for all day to day works and any suitably qualified ecologist(s) and/or arboriculturist(s) supervising any works.

The approved CEMP shall be adhered to throughout the demolition, clearance and construction phases of the development.

*Pre-occupancy and other/early-stage conditions*

- 5) Notwithstanding condition No 2, no development above ground shall take place until details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The details shall provide for:
  - a) a plan or plans detailing the area(s) covered by all hard and soft landscaping works and the area(s) and/or works covered by the Management and Enhancement Plan 939
  - b) a statement setting out the design objectives and how these will be delivered
  - c) existing and proposed finished levels or contours
  - d) means of enclosure, retaining structures and boundary treatments
  - e) vehicle parking layouts, vehicle and pedestrian access and circulation areas
  - f) hard surfacing materials
  - g) minor artefacts and structures
  - h) renewable energy installations where relevant
  - i) water features
  - j) a scaled plan showing all existing vegetation (including trees) to be retained and all proposed planting

- k) a schedule of all proposed planting to include species, size, numbers and planting specifications
- l) specifications for the operations associated with plant establishment and maintenance for a period of five years following planting
- m) an implementation programme, including phasing of work where relevant.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied or in accordance with the agreed implementation programme.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or in accordance with the agreed details.

Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the local planning authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) The drainage system shall be installed in accordance with the approved Flood Risk Assessment & Surface Water Drainage Strategy. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.
- 7) The external surfaces of the dwellings hereby permitted shall be constructed in the materials shown on drawing Nos. 2209-02-SL011 and 2209-02-SL012.
- 8) No dwelling shall be occupied until the vehicular access to Woodcock Hill and the visibility splays in accordance with drawing No: 2209-02-SL04A have been implemented. Thereafter the vehicular access and visibility splays shall be retained; and there shall be no obstruction within the visibility splays in excess of 0.6m in height.
- 9) No dwelling shall be occupied until a scheme to resurface the existing access onto Woodcock Hill and to prevent surface water discharge onto the public highway has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development and retained thereafter.
- 10) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be kept available for those purposes.
- 11) No dwelling shall be occupied until details of electric vehicle charging points (EVCP) to serve each dwelling have been submitted to and approved in writing by the local planning authority. The details shall include the specification and/or infrastructure of the EVCP (minimum specification: 7kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply).

The EVCP shall be installed in accordance with the approved details and shall be in full operation prior to the occupation of each dwelling. Thereafter, the EVCP shall be maintained for the lifetime of the development, unless they

need to be replaced, in which case the replacement shall be of the same specification or higher in terms of charging performance.

- 12) Notwithstanding condition No 2, no dwelling shall be occupied until details of facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes to serve each dwelling have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the occupation of each dwelling and thereafter shall be kept available for the storage of bicycles.
- 13) No dwelling shall be occupied until installations of solar PV panels and air source heat pump(s) (ASHP) as recommended by the Energy Statement are complete and in operational order. Details of the noise levels of ASHP and any required noise insulation measures shall have been submitted to and approved in writing by the local planning authority prior to their installation. The installations shall be maintained in operational order for the lifetime of the development, unless they need to be replaced, in which case they shall be of the same specification or higher.
- 14) No dwelling shall be occupied until full details of the installations of all external lighting have been submitted to and approved in writing by the local planning authority. The details shall include a Sensitive Lighting Management Plan to minimise the impacts upon biodiversity. The installations shall be carried out in accordance with the approved details prior to the occupation of each dwelling and retained as such thereafter.

\*\*\*END OF SCHEDULE\*\*\*

## **Schedule of Conditions – Appeal B Ref: APP/M3645/W/24/3343194**

### *Time limit*

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

### *Drawings and documents*

- 2) The development hereby permitted shall be carried out in accordance with the following drawings and documents:

#### *Drawings:*

210720_R1_100	Existing Open Sided Barn Plans & Elevations
210720_R_101	Existing Large Barn Plans & Elevations
210720_R1_102	Existing Chicken House Plans & Elevations
2209-02-SL11	Animal Shelter Plans & Elevations
2209-02-SL12	Pig sty Floor Plans & Elevations
2209-02-SL004	Proposed Floor Plan /Elevations Cycle /Bin Store
2307-01-SL21AA	Proposed Site Layout
2209-02-SL022B	Proposed Block Plan
2209-02-SL031B	Proposed Floor Plan
2209-02-SL032A	Proposed Elevations
2209-02-SL33B	Access Block Plan
2209-02-SL35B	Swept Path Drawing
2209-02-SL34	Visibility Splay Drawing
RCG - WH – TLP Rev A	Tree Location Plan
RCG - WH – TPP Rev B	Tree Protection Plan

#### *Documents:*

- Mitigation and Enhancement Plan 939 (Ecoassistance, undated)
- Arboricultural Report (RCG Agriculture, 21 September 2023)
- Flood Risk Assessment & Surface Water Drainage Strategy (Monsoon Engineering Ltd, 26 Sep 2023)
- Energy Statement (Therm Energy Limited, 8 October 2023)

### *Pre-commencement conditions*

- 3) No development shall take place, including demolition and site clearance until a demolition method statement (DMS) for the demolition of the Animal Shelter, Chicken Barn and Metal Barn as identified in drawing No 2307-01-SL21AA has been submitted to and approved in writing by the local planning authority.

The DMS shall be informed by a suitably qualified ecologist and suitably qualified arboriculturist and shall provide for:

- a) details of all sensitive ecological features
- b) a plan or plans detailing sensitive ecological features and the extent of the area to which the DMS applies
- c) details of working methods for the demolition works, including all protection measures
- d) a scheme of supervision for the demolition works
- e) a timetable for the demolition works

- f) a prescribed form of written notice to inform the local planning authority of the dates of commencement and completion of the demolition works within a prescribed period.

The development shall be undertaken in accordance with the approved DMS and within twenty working days of the completion of the demolition works, all arising materials shall have been removed from the site.

Thereafter, the area of the three buildings shall be restored in accordance with the approved Management and Enhancement Plan 989.

- 4) No development shall take place, including demolition and site clearance until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority.

The CEMP shall provide for:

- a) Map showing the location of all of the ecological features
- b) Risk assessment of potentially damaging construction activities
- c) Practical measures to avoid and reduce impacts during construction
- d) Location and timing of demolition, site clearance and construction works to avoid harm to biodiversity features
- e) Use of protected fences, exclusion barriers and warning signs
- f) Parking of vehicles of site operatives and visitors
- g) Arrangements for the loading, unloading and/or storage of plant and materials
- h) Delivery, demolition and construction working hours
- i) Names and contact details of all responsible persons during the demolition, clearance and construction phases of the development, including the person responsible for all day to day works and any suitably qualified ecologist(s) and/or arboriculturist(s) supervising any works.

The approved CEMP shall be adhered to throughout the demolition, clearance and construction phases of the development.

*Pre-occupancy and other/early-stage conditions*

- 5) Notwithstanding condition No 2, no development above ground shall take place until details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The details shall provide for:
  - a) a plan or plans detailing the area(s) covered by all hard and soft landscaping works and the area(s) and/or works covered by the Management and Enhancement Plan 939
  - b) a statement setting out the design objectives and how these will be delivered
  - c) existing and proposed finished levels or contours
  - d) means of enclosure, retaining structures and boundary treatments
  - e) vehicle parking layouts, vehicle and pedestrian access and circulation areas
  - f) hard surfacing materials
  - g) minor artefacts and structures
  - h) renewable energy installations where relevant
  - i) water features
  - j) a scaled plan showing all existing vegetation (including trees) to be retained and all proposed planting

- k) a schedule of all proposed planting to include species, size, numbers and planting specifications
- l) specifications for the operations associated with plant establishment and maintenance for a period of five years following planting
- m) an implementation programme, including phasing of work where relevant.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied or in accordance with the agreed implementation programme.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or in accordance with the agreed details.

Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the local planning authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) The drainage system shall be installed in accordance with the approved Flood Risk Assessment & Surface Water Drainage Strategy. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.
- 7) The external surfaces of the dwelling hereby permitted shall be constructed in the materials shown on drawing No. 2209-02-SL032A.
- 8) The dwelling shall not be occupied until the vehicular access to Woodcock Hill and the visibility splays in accordance with drawing No 2209-02-SL34 have been implemented. Thereafter the vehicular access and visibility splays shall be retained; and there shall be no obstruction within the visibility splay in excess of 0.6m in height.
- 9) The dwelling shall not be occupied until a scheme to resurface the existing access onto Woodcock Hill and to prevent surface water discharge onto the public highway has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development and retained thereafter.
- 10) The dwelling shall not be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be kept available for those purposes.
- 11) The dwelling shall not be occupied until details of an electric vehicle charging point (EVCP) have been submitted to and approved in writing by the local planning authority. The details shall include the specification and/or infrastructure of the EVCP (minimum specification: 7kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply).

The EVCP shall be installed in accordance with the approved details and shall be in full operation prior to the occupation of the dwelling. Thereafter, the EVCP shall be maintained for the lifetime of the development, unless it

needs to be replaced, in which case the replacement shall be of the same specification or higher in terms of charging performance.

- 12) Notwithstanding condition No 2, the dwelling shall not be occupied until details of facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the occupation of the dwelling and thereafter shall be kept available for the storage of bicycles.
- 13) The dwelling shall not be occupied until installations of solar PV panels and air source heat pump(s) (ASHP) as recommended by the Energy Statement are complete and in operational order. Details of the noise levels of ASHP and any required noise insulation measures shall have been submitted to and approved in writing by the local planning authority prior to their installation. The installations shall be maintained in operational order for the lifetime of the development, unless they need to be replaced, in which case they shall be of the same specification or higher.
- 14) The dwelling shall not be occupied until full details of the installation of all external lighting have been submitted to and approved in writing by the local planning authority. The details shall include a Sensitive Lighting Management Plan to minimise the impacts upon biodiversity. The installation shall be carried out in accordance with the approved details prior to the occupation of the dwelling and retained as such thereafter.

\*\*\*END OF SCHEDULE\*\*\*