



Appeal Decision

Site visit made on 24 June 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Appeal Ref: APP/L2250/W/25/3362451

Fairfield Court Farm, Brack Lane, Brookland, TN29 9RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Scott Balcomb against the decision of Folkestone & Hythe District Council.
- The application Ref is 24/1066/FH.
- The application sought planning permission for demolition of existing buildings, removal of soil business and areas of hardstanding and construction of 3 dwellings, together with gardens, parking and use of existing accesses to Brack Lane. Retention of existing property, reconfigured larger garden area and associated strategic landscaping and biodiversity enhancements without complying with a condition attached to planning permission Ref 21/2035/FH, dated 21 June 2024.
- The condition in dispute is No 2 which states that: No development shall take place other than in accordance with the following reports and drawings:

Drawings:

FC-EX.SITE-PLAN-001 EXISTING SITE PLAN Rev: D

FC-SITE-PLAN-002 PROPOSED SITE PLAN Rev: D

FC-COT-003 COTTAGE 1ST & 2ND FLOOR PLANS Rev: D

FC-COT-004 COTTAGE FRONT AND REAR ELEVATION Rev: D

FC-COT-005 COTTAGE SIDE ELEVATIONS Rev: D

FC-BARN-006 BARN 1ST & 2ND FLOOR PLANS Rev: D

FC-BARN-007 BARN FRONT AND REAR ELEVATION Rev: D

FC-BARN-008 BARN SIDE ELEVATIONS Rev: D

FC-COURT-009 PRINCIPLE HOUSE 1ST & 2ND FLOOR PLANS Rev: D

FC-COURT-010 PRINCIPLE HOUSE FRONT & SIDE ELEVATIONS Rev: D

FC-COURT-011 PRINCIPLE HOUSE SIDE & REAR ELEVATIONS Rev: D

Reports:

Planning and Design Statement by Greenhayes Planning

Traffic Generation Statement Rev: 02 dated January 2023 Ref: PCD-425-

EN-RP-02

Letter from Fairfield Soils

Landscape and Visual Statement Rev: A dated 23 August 2021 by Furse

Landscape Architects

Flood Risk Assessment from Herrington Consulting Ltd dated September 2022

Preliminary Ecological Appraisal from The Ecology Partnership dated September 2021

Reptile Survey from the ecology Partnership dated September 2021

Response to KCC Ecology Comments

Response to Natural England from Herrington Consulting Ltd.

- The reason given for the condition is: For the avoidance of doubt.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings, removal of soil business and areas of hardstanding and construction of 3 dwellings, together with gardens, parking and use of existing accesses to Brack Lane. Retention of existing property, reconfigured larger garden area and associated strategic landscaping and biodiversity enhancements at Fairfield Court Farm, Brack Lane, Brookland, TN29 9RX in accordance with the application Ref 24/1066/FH, without compliance with condition number 2 previously imposed on planning permission Ref 21/2035/FH dated 21 June 2024 and subject to the following conditions set out in the schedule at the end of this decision.

Main Issue

2. The main issue in this case is the effect of the proposed development on the rural landscape, the character and appearance of this part of The Romney Marshes, and the wider landscape

Reasons

3. The appeal site is located within the rural parish of Snargate within the Romney Marsh countryside. The site is located on Brack Lane, a narrow rural lane surrounded by agricultural fields and farmland outside of any settlement boundary and in an isolated location. The site is a former farmyard consisting of several old farm storage buildings, a large area of hardstanding and a two-storey farmhouse with associated outbuildings, presently occupied by Fairfield Soils Ltd. The site is referred to as Fairfield Court Farm but is no longer in agricultural use.
4. In 1995 planning permission was granted for use of the site and adjacent land to the west for the grading and distribution of topsoil and sand. There are very large buildings on the site. The largest building is 47m long, 11m wide. It is described as nearly 10m high in the appellant's statement and 11m high in the council's statement. I will take it as 10m high which means that it is some 1.7m higher than the highest ridge of the proposed houses. These buildings surround a large central yard. A large spoil heap is located to the north and occupies almost a third of the site. The farmhouse and its garden within the wider site are located to the east. The land is largely surrounded by arable farmland.
5. The site itself is not located within any ecological designation. However the Dungeness, Romney Marsh and Rye Bay Special Protection Area, Ramsar and Site of Special Scientific Interest is located 130m west of the site, and the Dungeness Special Area of Conservation is located approximately 8.6km to the southeast.
6. During my site visit I made a tour of the area around the site, following the roads that form a rough circle around it. The appeal documents include a plan showing these roads and the points from which it is possible to obtain glimpses of the existing buildings on site. I am satisfied that little of the appeal scheme would be discernible from public roads, certainly at this time of the year. There are no public rights of way that would provide views from closer to the proposed development. Whilst the site is within a flat landscape, this lack of visibility is due to the extent of trees, shrubs and bushes that line the roads, with only occasional small gaps

through which it would be possible to be aware of the existence of the development.

7. At other times of the year, when trees have lost their leaves, any views would be filtered by bare trunks and branches. Obviously, I cannot make a clear judgement about how much would be seen, but this is true for the permitted scheme. The officer's report recommending permission for the appeal scheme included a photograph of the site from Brack Lane, where the roof of the existing barn can be seen, noting that the site is visible from a number of locations in the surrounding area. The photograph was also taken with trees in full leaf. The officer's assessment of the visibility of the proposed development is in accord with what I saw.
8. I note that paragraph 6.12 of the council's Statement of Case records that the approved scheme would be clearly visible from the surrounding area given the flat landscape. That conflicts with my own viewing and the statement made in the planning officer's report. My own judgement was made on the basis that I could glimpse roofs. The highest ridge line in the proposal is that of 'Fairfield Court', which I have already noted is lower than the highest roof of the existing buildings on site. The roofs of the proposed 'Fairfield Barn' and 'Fairfield Cottage' would be substantially lower.
9. The proposed 'Fairfield Court' would be about 16m (scaled from the plans) to the south and a little to the west compared to this dwelling in the approved scheme. It would be further away from the entrance and Brack Lane and not significantly nearer to Kennards Lane. 'The Barn' would be sited about 5 or 6m to the south, which would take it further from the entrance and Brack Lane and only very marginally closer to Kennards Lane to the south. The other proposed house, 'The Cottage', would be sited approximately 3m closer to the entrance and thus a little further from any view from the roads to the east and south. The result of this is that, in terms of the revised siting, the appeal proposal would not be materially nearer any vantage point in the rural landscape.
10. The largest of the proposed houses, 'Fairfield Court' would have a ridge height 0.1m higher than that approved. 'The Barn' would maintain the same ridge height, whilst 'The Cottage' would be higher by 0.3m. Since both The Barn and The Cottage are both some 0.7m in height below Fairfield Court, it is the difference in height of the last of these, when compared with the approved scheme, that must be judged in terms of appearance in the rural landscape. I do not regard an additional height of ridgeline of 0.1m for Fairfield Court as having a material effect.
11. I have more potential concern about the enlargement of the floor space now proposed, compared with the approved scheme. However, in terms of bulk, scale and proportions, the council's Statement of Case rather exaggerates the degree of enlargement. To take the case of Fairfield Court (also described as the Farmhouse), the table with comparisons suggests its width goes from 8.9m to 17m when actually it is simply a 6x8m extension added to the already approved scheme and is not a 19m x 17m building. The width of the rest of the dwelling is the same as the approved scheme and has a similar height (within 100mm) and a similar overall design. This additional rear extension would not be visible from the main development, being behind the front profile. The same sort of criticism can be made of the council's points on the other 2 proposed dwellings.

12. It appears that a matter of some importance when the existing permission was given, was the improvement in the character and appearance of the area that the development would bring by the removal of the existing three large modern agricultural buildings, which measure over 10m or more in height, and the large spoil heap which occupies almost a third of the site. The appeal scheme would achieve the same result.
13. The starting point in considering a planning application is the development plan policies. That would have been the case with the planning application that resulted in planning permission reference 21/2035/FH, which it was judged to be in conformity. In light of the analysis set out above, I also consider that the appeal proposal is in conformity with policies SS1, SS2, SS3 and CSD4 of the adopted Core Strategy 2022, policies HB1, HB2 and NE3 of the adopted Places and Policies Local Plan 2020; and in addition, the National Planning Policy Framework, The Romney Marsh Landscape Character Assessment 2016 and The Shepway District High Level Landscape Appraisal 2017.
14. Interested persons have questioned whether s73 can be used for a change to an existing planning permission as in this appeal. The Court of Appeal case *Test Valley Borough Council v Fiske* [2024] EWCA Civ 1541 made clear that there are no powers under s73 to grant a new planning permission with a different operative part to that contained in the original permission. But there is no justification for imposing an additional limitation on the power of s.73. In this case the 'operative part' is exactly the same as the permission that it seeks to alter. I should also point out that a successful application under s73 creates an entirely fresh planning permission.
15. Where, as here, the application seeks to amend the layout and design of the development, so long as the 'operative part' of the original permission is not changed, the decision maker is able to assess the new scheme on the usual basis of the development plan and other material considerations, and there is the same opportunity for publicity and comment as in the original grant of permission. Of course, the original permission is a material consideration.
16. Interested persons also make reference to the Planning and Design Statement supporting the original application in which, at paragraph 10, it is stated that Plots 1 and 3 on the proposed site plan will be focused on use as tourism accommodation via a platform such as Airbnb and Plot 2 will be occupied by the applicant as his family home and will be constructed on a self-build basis. The point is made that the access roads are single lane with 6ft ditches either side and very few passing places, so that the location would be inimical to the use of the dwellings for tourist accommodation. However, the appellant has confirmed that there is no present intention for use any of the appeal dwellings as tourist accommodation, Airbnb or otherwise.
17. Another matter that I must deal with, as the council points out, there would need to be a deed of variation of the previous legal agreement to provide for contributions towards secondary education and the requirement to extinguish the current lawful use of the site. One of the appellant's appeal documents is a signed and dated Unilateral Deed of Variation. The council agrees that this is a satisfactory document.

Conclusion

18. For the reasons that I have set out above, I conclude that the proposed development would not have a harmful effect on the rural landscape, the character and appearance of this part of The Romney Marshes, and the wider landscape but, as with the already permitted scheme, would represent an improvement in landscape terms on the site as it exists at present. Thus the proposal is not contrary to policies SS1, SS2, SS3 and CSD4 of the adopted Core Strategy 2022, policies HB1, HB2 and NE3 of the adopted Places and Policies Local Plan 2020, the National Planning Policy Framework, The Romney Marsh Landscape Character Assessment 2016 and The Shepway District High Level Landscape Appraisal 2017. For these reasons the appeal will be allowed.

Conditions

19. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the text.
20. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is in the interests of the amenities of the area and highway safety and convenience; condition 4 is in the interest of promoting energy efficiency and sustainable development; conditions 5 and 6 are in the interest of visual amenity and the character and appearance of the adjacent conservation area; conditions 7 and 8 are in the interests of the visual amenity of the area and encouraging wildlife and biodiversity; Condition 9 is in the interests of residential amenity; condition 10 is to ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding; and condition 11 is to ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems.
21. Condition 12 is in the interests of the visual amenities of the area; conditions 13 and 14 are to safeguard protected species; condition 15 is to improve and enhance biodiversity on site; condition 16 is to ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record; condition 17 is to ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors; condition 18 is to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution; condition 19 is to ensure that the new development is provided with high quality broadband services; condition 20 is in order to secure a record of existing site levels in order to ensure a satisfactory form of development having regard to the sloping nature of the site; condition 21 is in the interests of biodiversity, residential and visual amenity; condition 22 is In the interests of the

amenities of the area; and condition 22 is in the interests of highway safety and convenience.

22. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, if the Inspector is minded to grant planning permission subject to pre-commencement condition(s) he/she may only do so with the written agreement of the appellant to the terms of the condition(s). In this case the council's suggested conditions Nos. 3, 10, 13, 16, 17, 18 and 20 are in the form of pre-commencement conditions. The agent for the appellant has confirmed that these conditions are acceptable to Mr Balcomb.

Terrence Kemmann-Lane

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision
2. No development shall take place other than in accordance with the following reports and drawings:
 - FC-EX.SITE-PLAN-001 EXISTING SITE PLAN Rev: A
 - FC-SITE-PLAN-005 PROPOSED SITE PLAN Rev: G
 - FC-COT-003 COTTAGE 1ST & 2ND FLOOR PLANS Rev: A
 - FC-COT-004 COTTAGE FRONT AND REAR ELEVATION Rev: A
 - FC-COT-005 COTTAGE SIDE ELEVATIONS Rev: A
 - FC-BARN-006 BARN 1ST & 2ND FLOOR PLANS Rev: A
 - FC-BARN-007 BARN FRONT AND REAR ELEVATION Rev: A
 - FC-BARN-008 BARN SIDE ELEVATIONS Rev: A
 - FC-COURT-009 PRINCIPLE HOUSE 1ST & 2ND FLOOR PLANS Rev: A
 - FC-COURT-010 PRINCIPLE HOUSE FRONT & SIDE ELEVATIONS Rev: A
 - FC-COURT-011 PRINCIPLE HOUSE SIDE & REAR ELEVATIONS Rev: AReports:
 - Planning and Design Statement by Greenhayes Planning
 - Traffic Generation Statement Rev: 02 dated January 2023 Ref: PCD-425-EN-RP-02
 - Letter from Fairfield Soils
 - Landscape and Visual Statement Rev: A dated 23 August 2021 by Furse Landscape Architects
 - Flood Risk Assessment from Herrington Consulting Ltd dated September 2022
 - Preliminary Ecological Appraisal from The Ecology Partnership dated September 2021
 - Reptile Survey from the ecology Partnership dated September 2021
 - Response to KCC Ecology Comments
 - Response to Natural England from Herrington Consulting Ltd
3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking and turning of vehicles of site operatives and visitors.
 - ii. loading and unloading of plant and materials.
 - iii. storage of plant and materials used in constructing the development.
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - v. wheel washing facilities.
 - vi. measures to control the emission of dust and dirt during construction.
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - viii. routing of construction and delivery vehicles to / from site
 - ix. timing of deliveries
 - x. temporary traffic management / signage

4. No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, electric vehicle charging points and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.
5. No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
6. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, an implementation programme, and a programme of long-term maintenance for the green roof.
7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.
8. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.
9. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:
Monday to Friday 0800 – 1800 hours
Saturdays 0800 – 1300 hours
unless in association with an emergency or with the prior written approval of the Local Planning Authority.
10. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning authority, including the timing of its completion. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to be beyond being reasonably practical then any surface water leaving site shall be restricted to greenfield runoff levels

where possible, unless agreed otherwise. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

11. No building on the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.
12. Prior to the commencement of works above slab level on the construction of the houses hereby permitted, the existing soil heaps shall be removed from the site to the satisfaction of the Local Planning Authority.
13. Prior to the commencement of works, including site clearance, all mitigation measures for reptiles shall be carried out in accordance with the details in sections 4.7 through to 4.15 of the Reptile Survey report by The Ecology Partnership dated September 2021.
14. Prior to the occupation of any of the dwellings hereby approved, a plan for the future management of the wildlife area shown on the approved plans shall be submitted to be approved in writing by the Local planning Authority. Development shall be carried out in accordance with the approved details and be retained as such thereafter.
15. Details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. These measures shall include a native species-only planting. The approved details will be implemented prior to occupation of any of the dwellings hereby approved and thereafter retained.
16. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:
 - i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and
 - ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.
17. (A) No development shall take place until a desk top study has been undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the

site of all potential contaminant sources, pathways and receptors shall also be included.

(B) If the desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- Human health;
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Ground waters and surface waters,
- Ecological systems,
- Archaeological sites and ancient monuments; and

(iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

(C) If investigation and risk assessment shows that remediation is necessary, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

(D) No development shall take place until a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

(E) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

18. No development shall commence until a strategy to deal with foul water drainage is submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and be retained as such thereafter.
18. Prior to the first occupation of any dwelling hereby permitted, an FTTP (fibre to the premises) Statement for the development shall have been submitted to and approved by the local planning authority in writing for the installation of a high speed wholly FTTP connection to each dwelling within the development, unless otherwise agreed in writing by the local planning authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and where relevant, details of alternative provision for superfast broadband in the absence of FTTP). The FTTP infrastructure or alternative provision for superfast broadband in the absence of FTTP shall be laid out in accordance with the approved FTTP Statement or approved details at the same time as other services during the construction process and be available for use on the first occupation of each dwelling hereby approved.
19. No development shall take place until details on levels in the form of proposed and existing cross-sectional drawings through the site have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.
21. No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:
- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination.
 - A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
 - Details of the number, location and height of the lighting columns or other fixtures.
 - The type, number, mounting height and alignment of the luminaries.
 - The beam angles and upwards waste light ratio for each light.
 - An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.
22. No further development, whether permitted by Classes A, B, C, D, E, F, G or H of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.
23. The parking and turning areas shown on the submitted plan shall be provided and made available prior to the first occupation of the any of the dwellings hereby approved, shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order

revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

End of Schedule