



Appeal Decisions

Hearing held on 11 June 2025

Site visit made on 10 June 2025

by **AJ Mageean BA(Hons), BPI, PhD, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th August 2025

Appeal A Ref: APP/Y2430/W/25/3358716

The Lodge, Gaddesby Lane, Ashby Folville, Leicestershire, LE14 2TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jamie Lewis against the decision of Melton Borough Council.
 - The application Ref is 21/00085/FUL.
 - The development proposed is the erection of 2 residential dwellings and the partial demolition and redevelopment of the Lodge House along with the reinstatement of a former access route to Ashby Folville Manor House and further reinstatement of parkland to the north in place of the current access road.
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Appeal B Ref: APP/Y2430/W/25/3359000

The Manor, Folville Street, Ashby Folville, Melton Mowbray, Leicestershire, LE14 2TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jamie Lewis against the decision of Melton Borough Council.
 - The application Ref is 24/00793/FUL.
 - The development proposed is partial demolition and remodelling of the Lodge to create annex to the Manor including access works; erection of 5no. cottages; reinstatement of the former driveway and gates to the Manor and reinstatement of parkland in place of modern driveway; resurfacing of driveway and hardstanding surrounding the Manor; and restoration of bridge.
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Decisions

1. **Appeal A:** The appeal is allowed and planning permission is granted for the erection of 2 residential dwellings and the partial demolition and redevelopment of the Lodge House along with the reinstatement of a former access route to Ashby Folville Manor House and further reinstatement of parkland to the north in place of the current access road at The Lodge, Ashby Folville, LE14 2TG in accordance with the terms of the application, Ref 21/00085/FUL subject to the conditions in the attached schedule.
2. **Appeal B:** The appeal is allowed and planning permission is granted for partial demolition and remodelling of the Lodge to create annex to the Manor including access works; erection of 5no. cottages; reinstatement of the former driveway and gates to the Manor and reinstatement of parkland in place of modern driveway; resurfacing of driveway and hardstanding surrounding the Manor; and restoration of bridge at The Manor, Melton Mowbray, LE14 2TE in accordance with the terms of the application, Ref 24/00793/FUL, subject to the conditions in the attached schedule.

Applications for costs

3. An application for a partial award of costs was submitted by the appellant at the hearing. This is the subject of a separate decision.

Preliminary Matters

4. Common to both appeals are the proposed alterations to the former Western Lodge to Ashby Folville Manor ('the Lodge', and 'the Manor'), removing the existing extensions and remodelling to create a single two bedroomed dwelling with a garage. They also share proposals to restore the former western driveway and gates to the Manor; to reinstate parkland over the current modern driveway; to resurface the original driveway and hardstanding around the Manor and to replace a modern bridge over a brook within the grounds of the Manor with a replica of the original.
5. Each of the schemes also involves the addition of dwellings to the south of the Lodge. For Appeal A there would be two detached five-bedroomed dwellings and associated garages. For Appeal B there would be a terrace of five two-bedroomed dwellings and associated garages.
6. In both cases the appellant submitted a draft Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990. These documents set out the commitment to completing the heritage restoration works and remodelling of the Lodge prior to any material operations being commenced in the construction of the new-build dwellings. I have received copies of the completed documents and have taken them into account in my decisions.
7. Separate applications for planning permission and listed building consent relating to the replacement of the modern bridge with a replica of the original have been submitted to and approved by the local planning authority¹. The associated officer report refers to the bridge being a curtilage listed structure. On this basis it follows that, should either or both of the appeals succeed, it would be necessary for listed building consent to be secured for the proposed restoration works to this bridge.
8. During the hearing the appellant introduced the suggestion that an interpretation board relating to the Ashby Folville Polish Camp could be erected adjacent to the Public Right of Way (PRoW) running through the site. The Council was given the opportunity to comment on this addition which I have taken into account in reaching my decisions.

Main Issues

9. The main issues in these cases are:
 - Whether the development proposals would be in an appropriate location with reference to local facilities and services; and
 - Whether material considerations indicate that decisions should be made other than in accordance with the development plan.

Reasons

¹ 24/01192/FUL and 24/01193/LBC

Location

10. The appeal site is located on the edge of the small village of Ashby Folville. The Melton Borough Local Plan (the Local Plan) regards it as being in open countryside for the purposes of its development strategy. Local Plan policies SS1, SS2 and SS3 taken together seek to restrict development outside identified settlements to that which is necessary to meet local needs and is appropriate in open countryside. Policy HBE1 of the Gaddesby Neighbourhood Plan (the Neighbourhood Plan) states that Ashby Folville is to be treated as countryside for the purposes of the Neighbourhood Plan as it does not have a settlement boundary.
11. The parties to the appeal agreed that in terms of access to key amenities and services, regard must be had as to whether there is an ability to access facilities by travelling on foot and bicycle, as well as all reasonable forms of public transport, including demand-based bus service.
12. The parties also agreed that Ashby Folville has very limited services and amenities. Within the village there is a public house, a village hall and a bus stop. The latter relates to what is currently a demand-based service, bookable by phone or online, providing what was described as an inefficient service in comparison with other transport modes. The village of Gaddesby, which is around a mile away, has a school. Other facilities including secondary schools, health services and supermarkets are some 5 or 6 miles away.
13. The site for the proposed new dwellings is located around 250m from the natural village boundary. Pedestrian access into the village is possible either via Station Road or the public right of way through the Manor estate, neither of which are lit or otherwise accessible for wheelchairs or pushchairs.
14. The parties disagreed on the relevance of the National Planning Policy Framework (the Framework) paragraph 84, which seeks to avoid the development of isolated homes in the countryside, unless specific circumstances apply. Whilst in these cases the proposals would re-use a redundant or disused building and enhance its immediate setting, the new build element of the schemes is not justified under paragraph 84. Furthermore, the limited services and facilities locally would inevitably mean that residents of the proposed dwellings would be largely car dependant.
15. It is therefore clear that new residential development in this location would conflict with Local Plan policies SS1, SS2 and SS3 and also national policies seeking to achieve sustainable development.

Material considerations

16. Decisions made under the planning Acts must be in accordance with the development plan, unless material considerations indicate otherwise. In these cases the parties agree that the proposals would deliver heritage benefits relating to the significance of the Grade II Listed Manor, the Lodge and the Ashby Folville Conservation Area (the CA). They also agree that an extant planning approval relating to the Lodge is a legal fall-back position which carries weight as a material planning consideration in the determination of the appeals. I will consider these matters, and other points raised by the parties, before addressing the overall planning balance.

Heritage impacts

a) Heritage assets and their significance

i) Ashby Folville Manor

17. The Manor was originally constructed in the mid-17th century in the Jacobean style. It was rebuilt in 1893 following a fire and the purchase of the estate by Herbert Smith-Carington. It was built to the designs of the prominent Manchester based country house architect John Ely, who was well known locally through his involvement with other building projects in Ashby Folville village, including St Marys Church. The rebuilt Manor is also Jacobean in style, constructed from ironstone with limestone ashlar dressings and slate roofs, with a roughly H-shaped plan.
18. Historical evidence indicates that prior to the late 19th century the Manor had formal gardens to the south, including a moat, fishponds and garden terraces, with agricultural land beyond. The rebuilding of the Manor saw the rearrangement of its grounds, with the diversion of the brook and extensive landscaped parkland laid to the south. A new tree-lined approach to the Manor from the west was also introduced at this time, along with formal gates and the new 'Western Lodge'.
19. Of note is that the grounds of the Manor hosted a polish resettlement camp after World War II, which involved the levelling of some areas, notably to the east of the Lodge. No other evidence of its presence remains today.
20. In more recent times the curtilage of the Manor has been reduced as different parts have been sold off. Specifically, the separate ownership of the Lodge and Manor in the 1980's resulted in the creation of a parallel driveway to provide separate access to the Manor from the West. The extent of the wider landscaped parkland setting has been reduced, though the tree lined avenue from the Lodge remains, as does the placing of specimen trees within the pastureland to the south. Whilst these elements provide a sense of the former grandeur of the parkland, in other places it is hard to distinguish this from the general agricultural nature of the area to the south, west and east of the Manor.
21. The suggestion by the Council that intervisibility is a significant component of the assessment of the setting of the Manor does not adequately reflect how this asset is experienced. In particular, it does not recognise the importance of the western approach to the Manor through the parkland. This extends from the gated entrance onwards, through a sinuous tree lined approach, before crossing the brook. This aspect of the Manor's setting creates a sense of anticipation for when the view opens out to reveal the main western and southern elevations of the Manor, a building of impressive architectural style and stature.
22. The significance of the Manor therefore derives from its architectural interest through the classical features associated with its neo-Jacobean style. It has historic interest in terms of its association with the evolution of the village, and the role of John Ely. The setting of the Manor also contributes to its significance through the presence of the surviving elements of early formal grounds, indicating its high status. The late 19th century alterations to this setting, including the addition of the Lodge and the western approach with its associated parkland, support the heritage interest and significance of the Manor.

23. The contribution of this western approach is somewhat undermined by the alterations to, and subsequent neglect of, the Lodge, the dual access arrangements and the condition of the driveway itself.

ii) Ashby Folville Conservation Area

24. The CA centres on Folville Street, following the largely linear form of this village, with St Mary's Church and the Manor at its centre. A range of architectural styles are present, though the dominance of red brick and slate roofs are unifying features. The connection with the Manor, and specifically the role of the Smith-Carington family is evident with estate cottages bearing date stones and initials, the stables now converted to dwellings and the Carington Arms public house, all with similar architectural treatments.

25. More generally, the CA has a green and open character, with buildings typically set back from the road in mature gardens, and the wider setting of the CA being rolling green pasture and parkland framed with mature trees. The CA boundary is widely drawn to include the wooded landscape to the west, incorporating the Lodge and the tree-lined western approach to the Manor, as well as the Manor gardens to the south.

26. The significance of the CA therefore relates in the main to its historic and architectural interest as an evolved rural village, with a range of listed buildings dating mainly from the 18th and 19th century's, though many having earlier origins and also having archaeological interest. The rural character and mature landscaping of the wider setting of the CA also contribute to its significance and authenticity as a historic rural settlement.

iii) The Lodge

27. The Lodge was originally constructed in the late 19th Century as a modest red brick building in the Tudor revival style, with English vernacular features. Whilst on a much smaller scale than the Manor, there are some basic architectural similarities, including the use of stone kneelers, mullioned and transom windows and coped gables. This moderated relationship is not untypical in such situations.

28. The Lodge was considerably extended in the 1980's, in a way that dwarfs the original structure. More recently, it has been vandalised and subject to fire damage. However, noting its juxtaposition adjacent to the formal pillars and gates facing onto Station Road, it is possible to make out its former function and relationship to the Manor as a gatehouse.

29. In terms of its heritage status, the Lodge was in separate ownership to the Manor at the time of its listing and was therefore not referred to. Whilst the conservation officer comments relating to Appeal A refer to the 'curtilage listed gate lodge', there is no formal confirmation of this status. That said, I have noted that the recent consideration given to the restoration of the balustrade relating to one of the Manor bridges sets out that this is regarded as being a curtilage listed structure. This recognises its location within the grounds associated with the Manor and the CA.

30. It follows that similar considerations must apply to the Lodge, noting that it was constructed at around the same time as the reconfiguration of the Manor grounds, which included the re-routing of the brook and therefore presumably the construction of the bridges. Therefore, whilst the Lodge is not noted as a non-

designated heritage asset (NDHA) under the relevant provisions of the Neighbourhood Plan, it does have heritage significance by virtue of its association with the Manor and its position in the CA.

31. More specifically, the Lodge has historic and architectural significance through its direct connection with the reconstructed Manor, noting its position at the main approach to the village, and the Manor, from the West. This significance, and its contribution to the setting of the Manor, has been eroded by previous unsympathetic additions and its state of vandalism and disrepair in more recent times. It is currently an eyesore in this prominent location. Whilst it appears that the Lodge has been unused for some time, there is evidence of targeting by vandals which does not support a suggestion that there has been deliberate neglect as a tactic to secure planning permission.

iv) the Parkland

32. The appellant also refers to the parkland area, considered to comprise what is described as the landscape area with mature trees, which incorporates the earlier moat, remains of the early garden features and the reworked course of the brook. It is suggested that this area to the south of the Manor is bound by the brook, Station Road to the west and agricultural land to the south and east.
33. This area is largely contained by the CA. It also forms part of the setting of the Manor. I have noted its significance in both of these regards. There is no evidence to support the suggestion that this area represents a NDHA in its own right. I have therefore considered the heritage implications of the proposals on the parkland based on the effects on the designated heritage assets.

v) Ridge and furrow

34. The appeal site is located on part of the wider area of ridge and furrow, the earthworks preserving medieval ploughlands. This area is identified as a NDHA in Policy ENV4 of the Neighbourhood Plan. The officer report notes that the appeal site is located on the edge of the designated area where the significance of the earthworks is far less than in the more central areas of the designation. Some flattening of this area is likely to have been associated with the establishment of the polish camp. This appears to be reflected in the LiDAR images of the Lodge site overlaid with the Appeal A and Appeal B proposals which were provided by the appellant at the hearing.
35. In assessing the effects of the proposals in terms of any loss or damage to the area of ridge and furrow earthwork, Policy ENV4 requires the benefits of the development to be balanced against the significance of the feature concerned as a heritage asset.

b) Heritage impacts

36. As a starting point it is agreed that the proposed developments would not represent enabling development because the long-term future of the Manor as a designated heritage asset is not dependent on the restoration works being proposed. I have also noted the agreement that the proposals would deliver heritage benefits of value to the significance of the Manor, the CA and the Lodge, though the parties disagree on the weight to be attributed to these benefits.

i) Partial demolition and remodelling of the Lodge

37. The proposals would involve the restoration of the original Lodge building and the removal of later additions, which currently extend along the driveway to the east and to the rear. A new rear wing would be attached. Whilst the addition would be of greater scale than the original structure, as it would be set to the rear with a contemporary link element joining the two, the extent of the original building would remain legible.
38. Whilst the principal elevation of the Lodge would face the driveway, vehicular access would be secured from the rear via a proposed new access further down Station Road. Nonetheless, the visual relationship between the Lodge and the western Manor gate entrance would be restored.
39. In terms of benefits, the remodelled Lodge building would, to a large degree, restore the former relationship between the Lodge and the Manor, reflecting the understated architectural dialogue between the main building and this ancillary structure. As this was a key component of the 19th century modifications to the setting of the Manor, these alterations would represent an appreciable benefit to the setting of this designated heritage asset by better revealing its significance.
40. The Lodge occupies a prominent position at the western extent of the CA, close to the junction of Ashby Road with Station Road, one of the main approaches to the village. Its restoration would enhance the character and appearance of the CA.
 - ii) Reinstatement of the former driveway and gates of the western Manor entrance and the reinstatement of parkland over the modern driveway
41. The proposals would see the restoration and opening up of the original gated western entrance to the Manor. It would reinstate the experience of the tree-lined avenue approach to the Manor, entered via the formal gate piers and flanking walls, passing the Lodge. As the appellant sets out, this 'straight on' entrance from Ashby Road is an element of the late 19th-century design which emphasises the high status of the Manor and its grounds.
42. Additionally, the replacement of the current concrete surfacing, which is broken and poorly maintained in places, with an appropriate loose gravel or resin bound aggregate would represent an improvement.
43. The restoration of the original access would enable the closure of the current diversion. This would involve the reinstatement of the pedestrian footpath and verge, and the replacement of the existing hard surface with grass.
44. This access reinstatement would represent an improvement to the immediate environment of the Lodge and the wider setting of the Manor. This restoration of the former western approach would better reveal the heritage significance of the listed building. It would also represent an enhancement to the character and appearance of the CA.
 - iii) Resurfacing of the driveway and hardstanding around the Manor
45. The extensive area of concrete hardstanding in the foreground of the main southwestern elevation of the Manor is currently a moderate detractor from its setting. This would be replaced with loose gravel, a more appropriate and sympathetic material in this setting, thereby providing an aesthetic enhancement to the immediate context of the Manor.

iv) Restoration of the bridge over the brook

46. The first of the two bridges crossing the brook on the western approach is currently in poor condition, with basic brick pillars standing in contrast to the stone balustrade of the original. As noted above, the proposed restoration of the balustrade of this structure to reflect the original is also the subject of separate applications. As set out at the hearing, this approved development is unlikely to proceed alone without cross-funding.
47. Whilst this bridge is less prominent and elaborate than that closest to the Manor, the reintroduction of the balustrade would restore an element of the parkland setting of the Manor. It would represent a heritage benefit by better revealing the significance of this setting. There would also be a modest enhancement of the character and appearance of the CA.

v) Construction of dwellings

48. The parties agree that the design of the new dwellings for both appeal schemes would pick up design cues from the Lodge and other local buildings. In this regard they would be appropriate to the character and appearance of the area. Nonetheless, in locational terms, the principle of dwellings here would result in an intrinsic change to the character of the parkland, introducing built form in an area where there is presently none.
49. Appeal A would see the construction of two substantial detached dwellings to the southeast of the Lodge, whereas Appeal B would see a terrace of five two bedroomed cottages and associated garaging in the same position. This aspect of both of the proposals would be visible on the approach to the Manor from Station Road, from the CA and from along public rights of way through the parkland.
50. There is some merit in the suggestion that dwellings in this location would not be untypical as part of a rural estate, though in this regard the Appeal B terrace would be more reflective of what would typically be expected within the hierarchy of ancillary accommodation. In comparison, the two detached dwellings proposed for Appeal A would not reflect what would normally be expected in this hierarchy and would therefore be less contextually appropriate.
51. In these respects there would be harm to the setting of the Manor with a modest diminution in the integrity of its parkland context, more so in relation to the visual incongruity associated with the Appeal A scheme. This built form would be outside of the CA but would be close to its southern boundary. Therefore, there would be a similarly modest reduction in the extent of its distinctive rural context. In this sense the proposals would not preserve or enhance the character or appearance of the CA.
52. In terms of the policy tests for harm to designated heritage assets, the Framework paragraph 213 sets out that harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In relation to both Appeal A and Appeal B, my view is that the harm to the significance of both of these designated heritage assets would be less than substantial, at the lower end of the spectrum.

53. The proposed dwellings are sited on part of the area of ridge and furrow. I have noted that they would be on the periphery of a wider area, and that it appears to have been damaged. It is therefore of lesser significance than more central areas. Nonetheless, there would be some further damage and therefore harm to this area of medieval earthworks. This must be considered as part of the overall balance in terms of the scale of this harm and the significance of this asset.

Weight to be attached to policy conflict

54. The appellant's Statement of Case suggests that the Council's strategic housing policies are out of date and therefore the weight to be attached to the conflict with settlement policies should be reduced. With reference to paragraph 232 of the Framework, they do not contend that the Council does not have a five year supply of housing land, nor that the Council does not meet the Housing Delivery Test (HDT) requirements. Rather, they note that the Local Plan was adopted in 2018, meaning that the housing requirement set out is over five years old. They set out that based on the revisions to the methodology for calculating local housing need (LHN) set out in the current Framework, the LHN figure is now greater than the existing housing requirement in the adopted strategic policies.
55. The provisions of paragraph 232 do set out that where a deliverable supply of housing land is in place and the HDT is met, policies should not be regarded as out-of-date on the basis that the most up to date LHS figure is greater than the housing requirement set out in adopted strategic policies, for a period of five years from the date of the plan's adoption. However, the Framework footnote 8 refers to situations in which the policies which are most important for determining the application are out-of-date being those in which the local planning authority cannot demonstrate a five year supply of deliverable housing sites, or where the HDT is not met. Footnote 8 does not refer to the age of the plan. The situation is therefore not clear cut.
56. The appellant also noted during the hearing that the Council's five-year review of their Local Plan, undertaken under Regulation 10A of the Local Planning Regulations, indicated that some of the Local Plan policies relating to sustainable communities require updating.
57. However, during the hearing the appellant chose not to pursue this line, indicating that they were content for the appeals to be considered on the ordinary unweighted planning balance. I have therefore made these decisions on this basis.

Fallback position

58. The Lodge is the subject of an extant planning approval for its partial demolition, conversion, remodelling and extension to form two detached five bedroomed dwellings with separate curtilages.²
59. The main parties agree that the extant approval is a legal fall-back position which carries weight as a material planning consideration in the determination of the appeals. In this respect the appellant could lawfully undertake this scheme without the need for a new planning permission. Consideration must therefore be given to whether there is a likelihood or real prospect of this occurring. Noting the current

² 16/00202/FUL

condition of the Lodge and the appellants commitment to securing an improvement to this area, my view is that, should these appeals fail, there is a strong likelihood, even probability, of the fallback position being implemented.

60. The Council has referred to the circumstances in which this permission was granted, noting that at that time the Council was unable to demonstrate a five-year supply of housing land. However, such considerations are not to the point. In such circumstances it is necessary to compare the environmental effects of the current proposals with that of the fallback scheme. Specifically, it is relevant to consider whether the implementation of the fallback would have similar or worse effects than the current proposals.
61. In this regard, the extant approval would also introduce new dwellings in what is acknowledged to be an unsustainable location. Specifically, whilst the extant approval would provide two five bedroomed dwellings, Appeal A would provide two five-bedroomed dwellings plus a two-bedroomed dwelling. Appeal B would provide a total of six two-bedroomed dwellings. The appeal schemes would therefore be modestly more harmful in this regard, slightly more so for Appeal B. There would therefore be some differences between the schemes in relation to sustainability matters.
62. In terms of the proposals for the Lodge, I note that the extant approval would be constrained to the Lodge footprint and not involve development in the parkland. However, I understand that it would involve an extension which would prevent the reinstatement of the original driveway to the Manor. The appellant's Heritage Statement also notes that the extant approval would result in the loss of original fabric, with specific reference to the porch. These changes would also reduce the legibility of the Lodge as a modest ancillary structure related to the western approach to the Manor.
63. In combination, these matters would cause heritage harms to the significance of the setting of the listed building and to the character and appearance of the CA. Furthermore, the extant approval would not deliver the heritage benefits of the appeal schemes.
64. My view is therefore that the fallback position has implications which must be considered in the overall planning balance.

Highway safety

65. The restoration of the original access point, and the stopping up of that immediately to the north, would improve the visibility of vehicles exiting the Manor grounds for vehicles approaching along Ashby Road from the west. The proposals would provide a modest benefit to highway safety in this regard.

Anti-social behaviour

66. The Lodge appears to have been targeted by vandals and other intruders, such that the site is currently of concern to local police. The police have suggested that as the site is visible to the public, and in an obvious state of damage and disrepair, it will attract further crime and anti-social behaviour. The delivery of the appeal schemes would therefore have some modest benefits in this regard.

Public Rights of Way

67. Both Appeals would involve the diversion of the existing line of the PRoW further south. This would involve a less direct crossing of Station Road, with the east-west PRoW reconnecting with the south-east PROW as it crosses over the brook. This would change need to be the subject of a separate statutory procedure.
68. This alteration would reduce the number of points at which there would be PRoW crossing the driveway from two to one. Whilst the Council raised concerns about this change impacting on the ability to experience the Manor and its grounds, any harm in this regard would be negligible.

Balance and conclusions

69. In drawing together conclusions on these cases, I have had special regard to the desirability of preserving the listed building and its setting, or any features of special architectural or historic interest which it possesses. I have also paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. Noting these statutory duties, and the great weight that must be given to the conservation of designated heritage assets, I have found that in both cases the new build construction would cause less than substantial harm at the lower end of the spectrum both to the Manor and to the CA.
70. In these circumstances it is necessary to undertake a heritage balance, whereby this harm is weighed against the public benefits of the proposals, as set out in the Framework paragraph 215. In these cases heritage benefits would derive from the restoration of the legibility of the original Lodge building, the restoration of the original straight on entrance, the driveway resurfacing and the restoration of the balustrade of the second bridge over the brook.
71. The fact that these benefits would not all be publicly visible does not diminish the beneficial weight that can be attached to them. Taken together, these benefits to the legibility of the 19th century setting of the listed building, and enhancement of the character and appearance of the CA, would be substantial, such that there is justification for the low level of harm to these designated heritage assets. Similarly, in relation to the modest harm to the area of ridge and furrow, the weight that can be attached to the heritage benefits would outweigh this harm.
72. Turning to the wider planning considerations in these cases, there is undisputed conflict with the Local Plan in relation to the principle of residential development in what is regarded as an unsustainable location. In such circumstances the development should not be permitted to proceed unless material considerations indicate otherwise.
73. I have reviewed the contribution of each of the individual heritage benefits to the heritage interest and significance of the Manor, and to the character and appearance of the wider CA. I have noted that, taken together, they would represent substantial benefits. More generally, this represents a unique opportunity to make a positive contribution by better revealing the special interest and significance of the Manor and to enhance the character and appearance of the CA, both of which should be given great weight.
74. Should these appeals fail, the fallback position has a strong likelihood of preceding. I have acknowledged this scheme raises sustainability issues, though to a lesser degree than the appeal proposals. I have noted that the fallback would result in an unsympathetic conversion of the Lodge, that it would prevent the

reinstatement of the original driveway and that it would not deliver the heritage benefits of the appeal schemes. The fallback position is therefore a matter which can be given significant weight in support of the appeal schemes succeeding.

75. There would be other modest public benefits relating to highway safety and in addressing the fact that the Lodge has been the focus of anti-social behaviour. A further incidental benefit can be attached to the proposed interpretation board relating to the Ashby Folville Polish Camp, though this point is not material to the decisions in these cases.
76. The overall balance of considerations, noting particularly the weight which should be attached to the heritage benefits and the implications of the fallback position, indicate that decisions should be made in favour of each of the appeal schemes being permitted.

Conditions

77. A list of suggested conditions for both appeals were provided by the parties. I have amended these in the interests of precision and enforceability, and to ensure consistency between the two sets of conditions, where appropriate. Looking firstly at those conditions applying to both appeals, condition 1 sets out the time limit for the implementation of the development and is necessary for clarity and compliance. Condition 2 is required to provide clarity about the approved plans. Condition 3 is necessary to ensure that the external appearance of the new build elements is appropriate for the local environment. Similarly condition 4 is necessary to ensure that the Lodge restoration work is appropriate to its historic character.
78. Condition 5 refers to the removal of permitted development rights relating to extensions and other additions to the approved buildings, outbuildings, hardstanding and gates/fences. This is necessary within and adjacent to a sensitive CA environment, in which it is appropriate that additional controls over such alterations should be applied. Conditions 6, 7 and 8 relating to hard and soft landscaping, and the landscaping of the former driveway, are required to ensure a satisfactory scheme is secured, in the interests of protecting and enhancing the local environment.
79. Conditions 9 and 10 are necessary to protect the local environment, including visual amenity, and to prevent habitat disturbance, thereby preserving and enhancing biodiversity and ecology, including protected species. For the same reasons Appeal A condition 11 and Appeal B conditions 11 and 12 are required.
80. The provisions of Appeal A conditions 12, 13, 14, 15, 16 and 17 are necessary to protect the local environment including access, and for highway and pedestrian safety. Appeal B conditions 13, 14, 15, 16, 17 and 18 are necessary for the same reasons.
81. Appeal A condition 18 and Appeal B condition 19 are required to ensure that flood risk matters are appropriately managed. Appeal A condition 19 and Appeal B condition 20 are needed to ensure that satisfactory archaeological investigation takes place in the interests of understanding the historic environment. Appeal A conditions 20, 21 and 22, and Appeal B conditions 21, 22 and 23 are required in the interests of environmental safety and to effectively manage land contamination risks. Finally, Appeal A condition 23 and Appeal B condition 24 relating to the

heritage interpretation board are needed to support an understanding of the heritage significance of the area.

Conclusion

82. In relation to both the Appeal A application and the Appeal B application, the appeal schemes would conflict with the development plan taken as a whole. However, material considerations, relating in the main to the heritage benefits that would be secured as well as the fallback position, indicate that the appeals should be determined other than in accordance with the development plan.
83. For these reasons the Appeal A application is allowed and the Appeal B application is also allowed.

AJ Mageean

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Paul Tucker KC, of Chambers, supported by John Barrett of Chambers
Ms Gail Stoten, BA (Hons) PG Cert Res MCI(A) FSA of Pegasus
Mr Mark Bassett, MRTPI BA (Hons) Dip TP of Freeths LLP
Mr Chris May, LLB LARTPI, partner of Freeths LLP
Mr Jamie Lewis, appellant

FOR THE LOCAL PLANNING AUTHORITY:

Ms Katie Ferguson, Melton Borough Council
Mr Jorge Fiz Alonso, Melton Borough Council

INTERESTED PARTIES:

Cllr Robert Child, Melton Borough Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Officer Report relating to the extant consent 16/00202/FUL
2. Updated Statement of Common Ground relating to planning application reference 21/00085/FUL (Appeal A)
3. Updated Statement of Common Ground relating to planning application reference 24/00793/FUL (Appeal B)
4. Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate
5. Amended Planning Obligation by Deed of Unilateral Undertaking Under Section 106 of the Town and Country Planning Act 1990, relating to planning application reference 21/00085/FUL
6. Amended Planning Obligation by Deed of Unilateral Undertaking Under Section 106 of the Town and Country Planning Act 1990, relating to planning application reference 24/00793/FUL
7. Mock up of suggested interpretation board relating to the Ashby Folville Polish Camp
8. LiDAR images of the Lodge site overlaid with Appeal A and Appeal B proposals.
9. Updated suggested planning conditions relating to 21/00085/FUL (Appeal A)
10. Updated suggested planning conditions relating to 24/00793/FUL (Appeal B)
11. Officer Report relating to 24/01192/FUL and 24/01193/LBC, Erection of balustrade to existing bridge at Ashby Folville Manor.
12. Decision notices relating to 24/01192/FUL and 24/01193/LBC

SCHEDULE OF CONDITIONS: APPEAL A

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with following approved drawings and documents:
 - a) Dwg No 1546(4) P08 - Proposed Site Plan 1 of 2 - received 10.05.24
 - b) Dwg No 1546(4) P09 - Proposed Site Plan 2 of 2 - received 10.05.24
 - c) Dwg No 1546(4) P10 - Proposed Ground Floor Plan (Gatehouse) - received 10.05.24
 - d) Dwg No 1546(4) P11 - Proposed First Floor Plan (Gatehouse) - received 10.05.24
 - e) Dwg No 1546(4) P12 - Proposed Elevations (Gatehouse) - received 10.05.24
 - f) Dwg No 1546(4) P13 - Proposed Elevations (Gatehouse) - received 10.05.24
 - g) Dwg No 1546(4) P14 - Proposed Garage (Gatehouse) - received 10.05.24
 - h) Dwg No 1546(4) P15 - Proposed Dwelling (Plot 1) - received 10.05.24
 - i) Dwg No 1546(4) P16 - Proposed Dwelling (Plot 2) - received 10.05.24
 - j) Dwg No 1546(4) P17 - Proposed Bridge Plan & Elevation - received 10.05.24
 - k) Dwg No 1546(4) P18 - Proposed Bridge Elevation - received 10.05.24
 - l) Dwg No 1546(4) P19 - Proposed Visibility Splays - received 10.05.24
 - m) Ashby Folville Gates Horizontal Top - received 10.05.24
3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with those external materials approved.
4. No works on the restoration of the gatehouse/lodge building hereby approved shall commence until full details of all new windows, doors and dormer windows have been submitted to and approved in writing by the Local Planning Authority. Such details shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The development shall thereafter be carried out in accordance with these approved details and retained as such.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking and re-enacting the Order with or without modification) no development falling within Schedule 2 Part 1 Classes A-F and Part 2 Class A shall be erected/carried out without the prior permission of the Local Planning Authority.
6. Prior to the completion of any residential dwelling hereby permitted (The Lodge and additional dwellings), a plan showing a detailed soft and hard landscaping scheme for the residential dwellings shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include details of:
 - a) any existing trees, shrubs, hedges and water bodies to be retained and measures for their protection in the course of development;
 - b) new tree and shrub planting, including plant type, size, quantities and locations;
 - c) other surface treatments;

- d) fencing and boundary treatments; and
 - e) any changes in levels or contours.
7. Prior to the completion of the reinstatement of the former driveway, as shown on drawing no 1546(4) P08, a plan showing a detailed landscaping scheme for the reinstatement of the parkland shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include details of:
- a) any existing trees, shrubs, hedges and water bodies to be retained and measures for their protection in the course of development;
 - b) new tree and shrub planting, including plant type, size, quantities and locations;
 - c) other surface treatments;
 - d) fencing and boundary treatments; and
 - e) any changes in levels or contours
8. The approved landscaping schemes in Condition 6 and 7 above, shall be carried in the first available planting season following completion of the development. Any trees, hedges, shrubs or plants which within a period of five years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
9. The development hereby approved shall only be carried out in accordance with the mitigation measures contained in the Updated Ecological Appraisal Report prepared by Skilled Ecology Consultancy Ltd (dated May 2022; received 14th June 2022). In addition, during the demolition and construction phases, all materials shall be stored off the ground (for example on pallets) to minimise the likelihood of Great Crested Newts accessing them for refuge. All spoil/waste materials shall be removed from site at the end of each working day (or stored in a skip).
10. No development or works shall commence on the lodge building until an updated bat emergence survey report has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with any mitigation measures identified as being required in the update emergence survey report.
11. The development hereby approved shall only be carried out in accordance with the mitigation and protection measures contained in the report BS 5837 Tree Survey leading to an Arboricultural Impact Assessment for Planning prepared by Robert Parker Projects (ref: 2404-1_Tree Survey; dated 26th April 2024; received 3rd May 2024)
12. No development or works shall commence on the lodge building or the two dwellings hereby permitted until a scheme for the treatment of Public Footpath I91 has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for its management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in Leicestershire County Council's Guidance Notes for

Developers. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

13. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
14. No part of the development shall be occupied until such time as the offsite works shown on drawing no 1546(4) P08 (Proposed Site Plan 1 of 2) received on 10.05.24 have been implemented in full.
15. No dwelling hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 215 metres to the south, and 2.4m by 130m to the north, have been provided at the new site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
16. The reinstatement of the access to Ashby Folville Manor hereby permitted shall not be used for a period of more than one month from first being brought into use unless the vehicular access onto Ashby Road that becomes redundant as a result of this proposal has been closed permanently. The development hereby permitted shall not be occupied until such time as the access drive for the reinstatement of the driveway to Ashby Folville Manor has been surfaced for a distance of at least 5 metres behind the highway boundary, with resin bound aggregate or an alternative hard bound material to be first submitted to and approved in writing by the Local Planning Authority, and, once provided, shall be so maintained in perpetuity
17. No dwelling hereby permitted shall be occupied until such time as parking and turning facilities have been implemented in accordance with drawing no 1546(4) P08 (Proposed Site Plan 1 of 2), received on 10.05.24. Thereafter, the onsite parking and turning provision shall be kept available for such uses in perpetuity.
18. The development shall be carried out in accordance with the submitted Flood Risk Assessment received 29th January 2021) and there will be no ground raised as part of the reinstatement of the original driveway or the creation of new hardstanding concrete areas.
These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
19. No demolition shall take place and no development commence until a programme of archaeological work has been completed. Such programme shall commence with an initial phase of earthwork survey and trial trenching to inform a final archaeological mitigation scheme. Each stage shall be completed in accordance with a written scheme of investigation (WSI) which has first been submitted to and approved in writing by the Local Planning Authority. For land

that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed mitigation WSI which shall include a statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

20. No development shall commence until such time that a Phase 1 contaminated land assessment has been submitted to and approved in writing by the Local Planning Authority. Such assessment to include a desktop study and site walkover to assess the likelihood of contamination based on historical land uses. In the event that the Phase 1 assessment should identify any potential risks for the development hereby permitted, a Phase 2 intrusive site investigation shall be carried out involving soil sampling and testing to confirm the presence and extent of any contamination. Thereafter, the results of the intrusive site investigation shall be submitted to and approved in writing by the Local Planning Authority before development commences along with a remediation strategy setting out how the identified contamination on the site is to be treated. Once approved the development shall not be carried out other than in complete accordance with the agreed remediation details.
21. The development hereby permitted shall not be brought into use until such time that a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved remediation strategy. Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required level of remediation has been fully met.
22. If during development contamination not previously considered is identified, then an additional written method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority and the measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the Applicant shall submit a signed statement indicating this to discharge this condition.
23. Prior to the commencement of development, details of the location and design of a heritage interpretation board shall be submitted to and approved in writing by the Local Planning Authority. The interpretation board shall be erected in accordance with the approved details within three months of commencement of development and shall be retained thereafter.

SCHEDULE OF CONDITIONS: APPEAL B

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with following approved drawings and documents:
 - a) Dwg No 1546(5) P08 - Proposed Site Plan 1 of 2 - received 30.08.24
 - b) Dwg No 1546(5) P09 - Proposed Site Plan 2 of 2 - received 30.08.24
 - c) Dwg No 1546(5) P10 - Proposed Ground Floor Plan (Gatehouse) - received 30.08.24
 - d) Dwg No 1546(5) P11 - Proposed First Floor Plan (Gatehouse) - received 30.08.24
 - e) Dwg No 1546(5) P12 - Proposed Elevations (Gatehouse) - received 30.08.24
 - f) Dwg No 1546(5) P13 - Proposed Elevations (Gatehouse) - received 30.08.24
 - g) Dwg No 1546(5) P14 - Proposed Garage (Gatehouse) - received 30.08.24
 - h) Dwg No 1546(5) P15 - Proposed Site Plan - received 30.08.24
 - i) Dwg No 1546(5) P16 - Proposed Workers Cottage Type A - received 30.08.24
 - j) Dwg No 1546(5) P17 - Proposed Workers Cottage Type B - received 30.08.24
 - k) Dwg No 1546(5) P18 - Proposed Workers Cottage Type C - received 30.08.24
 - l) Dwg No 1546(5) P19 - Proposed Workers Cottage Garage - received 30.08.24
 - m) Dwg No 1546(5) P20 - Proposed Bridge Plan & Elevation - received 30.08.24
 - n) Dwg No 1546(5) P21 - Proposed Bridge Elevation - received 30.08.24
 - o) Dwg No 1546(5) P22 - Proposed Visibility Splays - received 30.08.24
 - p) Dwg No 1546(5) P23 - Proposed Site Sections - received 30.08.24
 - q) Dwg No 1546(5) P24 - Proposed Site Sections - received 30.08.24
 - r) Dwg No 5701 Rev P4 - Proposed Drainage Layout Sheet 1 - received 30.08.24
 - s) Dwg No 5702 Rev P3 - Proposed Drainage Layout Sheet 2 - received 30.08.24
 - t) Drainage Design Technical Note - received 30.08.24
3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with those external materials approved.
4. No works on the restoration of the gatehouse/lodge building hereby approved shall commence until full details of all new windows, doors and dormer windows have been submitted to and approved in writing by the Local Planning Authority. Such details shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The development shall thereafter be carried out in accordance with these approved details and retained as such.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking and re-

enacting the Order with or without modification) no development falling within Schedule 2 Part 1 Classes A-F and Part 2 Class A shall be erected/carried out without the prior permission of the Local Planning Authority.

6. Prior to the completion of any residential dwelling hereby permitted (The Lodge and additional dwellings), a plan showing a detailed soft and hard landscaping scheme for the residential dwellings shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include details of:
 - a) any existing trees, shrubs, hedges and water bodies to be retained and measures for their protection in the course of development;
 - b) new tree and shrub planting, including plant type, size, quantities and locations;
 - c) other surface treatments;
 - d) fencing and boundary treatments; and
 - e) any changes in levels or contours.
7. Prior to the completion of the reinstatement of the former driveway, as shown on drawing no 1546(5) P08 a plan showing a detailed landscaping scheme for the reinstatement of the parkland shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include details of:
 - a) any existing trees, shrubs, hedges and water bodies to be retained and measures for their protection in the course of development;
 - b) new tree and shrub planting, including plant type, size, quantities and locations;
 - c) other surface treatments;
 - d) fencing and boundary treatments; and
 - e) any changes in levels or contours
8. The approved landscaping schemes in Condition 6 and 7 above, shall be carried in the first available planting season following completion of the development. Any trees, hedges, shrubs or plants which within a period of five years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
9. The development hereby approved shall not be carried out other than in accordance with the mitigation measures contained in the Updated Ecological Appraisal Report prepared by Skilled Ecology Consultancy Ltd (dated May 2022; received 30th August 2024) and any additional mitigation measures identified as being required in the updated bat emergence survey report. In addition, during the demolition and construction phases, all materials shall be stored off the ground (for example on pallets) to minimise the likelihood of Great Crested Newts accessing them for refuge. All spoil/waste materials shall be removed from site at the end of each working day (or stored in a skip).
10. No development or works shall commence on the lodge building until an updated bat emergence survey report have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with any mitigation measures identified as being required in the update emergence survey report.

11. Prior to the commencement of the development (including ground works or vegetation clearance), a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The BEMP is to be based off the Biodiversity Net Gain Metric (Roger Spring BSc, MCIEEM; dated 29th August 2024) and the plan shall include:
- a) Description, evaluation and location of the ecological features and biodiversity enhancement measures to be created and managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of biodiversity enhancements and their management including for protected species;
 - d) Appropriate management options for achieving the aims and objectives of the project;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organisation responsible for implementation of the plan;
 - h) Ongoing monitoring and remedial measures; and
 - i) Details of the legal and funding mechanism by which the long-term implementation of the plan will be secured.

The plan shall be supported by an updated BNG metric calculation using the latest DEFRA version of the metric and, once agreed, the approved plan shall be implemented in full in accordance with the approved details.

12. The development hereby approved shall only be carried out in accordance with the mitigation and protection measures contained in the report BS 5837 Tree Survey leading to an Arboricultural Impact Assessment for Planning prepared by Robert Parker Projects (ref: 2404-1_Tree Survey; dated 26th April 2024; received 30th August 2024).
13. No development or works shall commence on the lodge building or the five dwellings hereby permitted until a scheme for the treatment of Public Footpath I91 has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for its management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in Leicestershire County Council's Guidance Notes for Developers. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.
14. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
15. No dwelling shall be occupied until such time as the offsite works shown on drawing no 1546(5) P08 (Proposed Site Plan 1 of 2) received 30.08.24, have been implemented in full.

16. No dwelling hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 215 metres to the south, and 2.4m by 130m to the north, have been provided at the new site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
17. The reinstatement of the access to Ashby Folville Manor hereby permitted shall not be used for a period of more than one month from first being brought into use unless the vehicular access onto Ashby Road that becomes redundant as a result of this proposal has been closed permanently. The development hereby permitted shall not be occupied until such time as the access drive for the reinstatement of the driveway to Ashby Folville Manor has been surfaced for a distance of at least 5 metres behind the highway boundary, with resin bound aggregate or an alternative hard bound material to be first submitted to and approved in writing by the Local Planning Authority, and, once provided, shall be so maintained in perpetuity
18. No dwelling hereby permitted shall be occupied until such time as parking and turning facilities have been implemented in accordance with drawing no 1546(5) P15 (Proposed Site Plan; received 30th August 2024). Thereafter, the onsite parking and turning provision shall be kept available for such uses in perpetuity.
19. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: Planning Consultation Letter Re: 24/00793/FUL Ashby Folville Manor Gaddesby Lane Ashby Folville Melton Mowbray; received 8th October 2024) and the following mitigation measures set out therein:
 - There will be no ground raised as part of the reinstatement of the original driveway or the creation of new hardstanding concrete areas.These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
20. No demolition shall take place and no development commence until a programme of archaeological work has been completed. Such programme shall commence with an initial phase of earthwork survey and trial trenching to inform a final archaeological mitigation scheme. Each stage shall be completed in accordance with a written scheme of investigation (WSI) which has first been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed mitigation WSI which shall include a statement of significance and research objectives, and:
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

21. No development shall commence until such time that a Phase 1 contaminated land assessment has been submitted to and approved in writing by the Local Planning Authority. Such assessment to include a desktop study and site walkover to assess the likelihood of contamination based on historical land uses. In the event that the Phase 1 assessment should identify any potential risks for the development hereby permitted, a Phase 2 intrusive site investigation shall be carried out involving soil sampling and testing to confirm the presence and extent of any contamination. Thereafter, the results of the intrusive site investigation shall be submitted to and approved in writing by the Local Planning Authority before development commences along with a remediation strategy setting out how the identified contamination on the site is to be treated. Once approved the development shall not be carried out other than in complete accordance with the agreed remediation details.

22. The development hereby permitted shall not be brought into use until such time that a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved remediation strategy. Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required level of remediation has been fully met.

23. If during development contamination not previously considered is identified, then an additional written method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority and the measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the Applicant shall submit a signed statement indicating this to discharge this condition.

24. Prior to the commencement of development, details of the location and design of a heritage interpretation board shall be submitted to and approved in writing by the Local Planning Authority. The interpretation board shall be erected in accordance with the approved details within three months of commencement of development and shall be retained thereafter.