



Appeal Decision

Site visit made on 5 August 2025

by **Laura Cuthbert BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal Ref: APP/H1705/W/24/3357883

Land adjacent to Gibbys Farm, Church Road, Browninghill Green, Baughurst

- 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 and Mrs Roger and Paula Richards and Mr Tim Richards against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 23/02915/FUL.
 - The development proposed is erection of two detached dwellings with new vehicular access and associated parking.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of two detached dwellings with new vehicular access and associated parking at Land adjacent to Gibbys Farm, Church Road, Browninghill Green, Baughurst in accordance with the terms of the application, Ref 23/02915/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr and Mrs Roger and Paula Richards and Mr Tim Richards against Basingstoke and Deane Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have taken the revised Framework into account as part of the determination of this appeal.
4. Both parties refer to the relevant planning history related to the appeal site. This includes, amongst others, earlier approvals for outline planning permission for 2 dwellings¹, as well as a full consent², for a similar description of development to that in the banner heading above, with the proposal before me described by the appellant as an 'alternative scheme' to this earlier consent. A Certificate of Lawfulness³ has since confirmed that the later full consent has been lawfully started so this permission is extant. I have had regard to these decisions insofar as they are relevant to the development before me.

Main Issues

5. The main issues are:

¹ Reference: 20/00828/OUT, granted December 2022

² Reference: 22/02673/FUL, granted May 2023

³ Reference: 24/02524/LDEO, granted December 2024

- whether the proposed development would provide a suitable location for housing, having regard to the development strategy for the area;
- whether the proposal would provide for opportunities for sustainable transport, accessibility to services and facilities and the transition to a low carbon future;
- the effect of the proposed development on the character and appearance of the area;
- whether the proposal would make adequate provision for Biodiversity Net Gain; and
- the effect of the proposal on protected species, notably Great Crested Newts.

Reasons

Suitable Location, having regard to the Development Strategy

6. The appeal site lies outside of any defined Settlement Policy Boundaries. Policy SS1 of the Basingstoke and Deane Local Plan 2011-2029 (Local Plan) (adopted 2016) outlines the local strategy for housing delivery. This seeks to direct development to Settlement Policy Boundaries and specific site allocations and resists the encroachment of development into rural areas. It also confirms that sites outside of defined Settlement Policy Boundaries will be considered to lie in the countryside. Exception sites located outside of defined Settlement Policy Boundaries will be permitted where they meet criteria set out in the other policies in the plan or it is essential for the proposal to be located in the countryside.
7. However, the proposal would not fall within any of the exceptions set out by the development plan to enable new development outside of the Settlement Policy Boundaries. It would not be supported by any other policies. As such, it would be contrary to the development strategy for the area.
8. Policy SS6 of the Local Plan outlines the exceptions where new housing in the countryside would be permitted. The appellant submits that 'given the extent of the local need across the district', the proposal could be considered to fall under criterion e), which supports small scale residential proposals of a scale and type that meet a locally agreed need. However, the Council has published a guidance note⁴ in respect of meeting the requirements of what is considered to be a 'locally agreed need' as set out by this criterion. This states that 'proposals must objectively demonstrate a need existing at a local level.....and proposals should be supported by a comprehensive assessment of requirements in the local area. This should demonstrate a particular local need for the scale, size and type of homes proposed within the Parish or that particular village/settlement.'
9. Therefore, whilst the proposal would go towards meeting the general housing need across the district, it has not been demonstrated that it would specifically meet a particular local need in regard to the scale, size and type of houses proposed in line with the Council's guidance note. Consequently, it would fail to fall under any of the exceptions set out by Policy SS6 of the Local Plan.

⁴ Appendix 2 of the Council's Statement of Case

10. Accordingly, the proposed development would not provide a suitable location for housing, having regard to the development strategy for the area. It would be contrary to Policies SS1 and SS6 of the Local Plan. Together, these policies set out the local strategy for housing delivery, focusing new housing development within settlement policy boundaries and restricting new housing in the countryside except where they would comply with certain criteria, which the proposal would fail to achieve.

Sustainable transport, accessibility to services and transition to a low carbon future

11. The appeal site is in an area with no services or facilities, apart from a church. Future occupants of the dwellings would have to travel to Tadley, the closest settlement approximately 2km south of the appeal site, which provides a range of facilities and services. However, there are no pavements on the roads linking the site with Tadley and therefore the nature of the roads would mean this would be unattractive for pedestrians. Furthermore, I have not been provided with any details of any bus stops or bus services within the vicinity of the appeal site. Consequently, this would result in the future occupants of the proposal being largely reliant on the private vehicle to access day-to-day services and facilities.
12. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. However given the limited options available at the site, my findings above would mean that the site's location does not promote opportunities for sustainable transport, nor would it provide for sustainable forms of transport to allow any choice to reasonably carry out day-to-day activities for future occupants. Furthermore, the lack of opportunities for sustainable transport solutions would not support the transition to a low carbon future.
13. The Council have referred to a number of appeal decisions which have considered the matter of sustainability⁵. Whilst I recognise that these are material considerations, I don't have the full details of these proposals before me apart from the appeal decisions themselves. Therefore, I cannot be sure that they are directly comparable to the proposal before me now. Furthermore, some of the decisions were issued prior to the revised Framework being adopted in December 2024.
14. Nevertheless, what is clear from these other appeal decisions is that this relevant issue is one that is open to interpretation and depends on the specific circumstances of each case. Whilst consistency is important, the examples given merely indicate to me that each case must be considered on its own merits, determined in the light of the specific circumstances and context of each case. I have considered this appeal on its own merits and have found it to be in conflict with the relevant policies for the reasons set out above.
15. Therefore, the proposed development would not provide opportunities for sustainable transport, accessibility to services and facilities, and the transition to a low carbon future. It would be contrary to Policy CN9 of the Local Plan which sets the need for development to minimise the need to travel, promote opportunities for sustainable transport modes, improve accessibility to services and support the transition to a low carbon future, which again the proposal would fail to achieve.

⁵ Including appeal references APP/H1705/W/22/3306530, APP/H1705/W/23/3318470, APP/H1705/W/23/3334504, APP/H1705/W/24/3336735, APP/H1705/W/24/3344656 and APP/H1705/W/24/3344124

Character and Appearance

16. The appeal site currently forms an open agricultural field, which, apart from a small, dilapidated timber building, is currently free from any built form. There are 2 access points into the site from Church Road, the original gated access to the south and a new access to the north, granted under the extant 2023 full consent. The site is enclosed by a mixture of mature hedgerows and trees.
17. There is existing built form in the immediate context of the site, with dwellings sited to the north, south and southeast. A farm lies to the west. Three dwellings have been approved on land associated with Gibbys Farm, which sits directly south of the appeal site⁶. A single dwelling has also been approved at Monts Farm⁷ which lies beyond Gibbys Farm. Furthermore, directly to the north of the site, a staff dwelling for a nearby glamping site has been constructed⁸. Whilst there are a number of chalet style dwellings in the area, the character of the existing residential built form along Church Road is varied in its scale, style and positioning. I saw dwellings constructed predominately of brick or finished in render, whilst also observing examples of larger dwellings in more spacious plots, as well as large, detached garages associated with some of the existing dwellings.
18. The proposal would not be isolated development in the countryside. Whilst the lack of any existing buildings on the site is noted, the proposed dwellings would be seen in the context of the existing and approved surrounding built form along Church Road. Rather than appearing as significant and grand within the street scene, as set out by the Council, the proposed dwellings could be introduced without appearing as an intrusive feature in the countryside setting. Therefore, despite it being in the countryside in planning policy terms, the proposed development would relate closely to existing built form and would be respectful of the siting and layout of neighbouring buildings. Consequently, the proposed 2 dwellings would not appear as uncharacteristic and would sit sensitively within the site and wider area.
19. Due to the existing variation that exists in the area, the scale, bulk, massing and design of the proposal would be reflective of the surrounding residential built form. The Council allege the dwellings would have a 'grandiose appearance' due to their 'architecture language and façade materials'. However, I consider that the use of brick on the dwellings would be characteristic to the area and would therefore be appropriate. The development would be suitably designed, sympathetic to the local distinctiveness and the existing street scene, having due regard to the appearance and scale of the neighbouring buildings. Consequently, the character and appearance of the area would not be materially harmed.
20. The Council have raised concerns that 'the landscape proposals and the amenity spaces are compromised by the notably ambitious building footprint, which would be uncharacteristic to this rural location'. However, the appellant has confirmed that plot 1's garden would be over 1,000 sqm and the garden for plot 2 would be just under 2,000 sqm. Even with the existing and proposed landscaping, both dwellings would be served by adequately sized gardens. The private amenity areas would be usable and would not be overlooked. They would be proportionate and suitable to the character and density of the surrounding residential context. The spacing and

⁶ Under application references 20/01336/FUL and 19/02407/FUL

⁷ Application reference 19/01043/FUL

⁸ Application reference 19/01264/FUL

gaps between the two dwellings would also be suitable to the local character, as would the scale of the associated garages.

21. A Public Right of Way (PROW) (Baughurst Footpath 17) passes to the south of the site and extends westwards. Whilst the proposal would be visible from the PROW, it would be seen in the context of the existing built form already visible from the footpath and would therefore not be materially incongruous. Furthermore, the mature hedgerow along the boundary would assist in mitigating any views, albeit it is acknowledged that this mitigation would be reduced in the winter months. Nevertheless, I am satisfied that the proposal would not harm the overall quality or character of the view from the PROW currently enjoyed by users.
22. Consequently, for the reasons set out above, the proposal would not harm the character and appearance of the area. It would be in accordance with Policies EM1 and EM10 of the Local Plan, the Landscape, Biodiversity and Trees Supplementary Planning Document (adopted 2018) (the Landscape, Biodiversity and Trees SPD) and the Design and Sustainability Supplementary Planning Document (adopted 2018). Together, these policies and SPD's require development to be sympathetic to the character and visual quality of the area concerned, whilst also positively contributing to local distinctiveness, the sense of place and the existing street scene, and having due regard to the scale, siting and layout of neighbouring buildings and of the surrounding area. Proposals should also respond positively to the local landscape and the site's context.
23. It would also be in accordance with the objectives of the Framework which requires development to add to the overall quality of the area, be sympathetic to the local character including surrounding built environment and landscape setting and to establish or maintain a strong sense of place.

Biodiversity

24. A Preliminary Ecological Appraisal (PEA)⁹ and Biodiversity Metric¹⁰ have been submitted with the appeal. It is agreed between the main parties that the application was submitted prior to the advent of the mandatory 10% Biodiversity Net Gain (BNG). However, Policy EM4 of the Local Plan states that development proposals will only be permitted if significant harm to biodiversity can be avoided or, if that is not possible, adequately mitigated and where it can be clearly demonstrated that there will be no loss or deterioration of a key habitat type, including irreplaceable habitats. The Framework also states that planning decisions should minimise impact on and provide for net gains for biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
25. The Biodiversity Metric demonstrates that whilst there would be a 22.83% net gain in hedgerow units, there would be a 17.33% net loss in habitat units. Therefore, overall, the proposal would present a net loss in biodiversity on site.
26. The Council have referred me to its guidance titled 'Achieving Biodiversity Net Gain Interim Guidance for Developers'. This sets out that, as a minimum, the Council expects all developments to avoid losses in accordance with the mitigation

⁹ Preliminary Ecological Appraisal (dated March 2024), prepared by United Environmental Services Ltd

¹⁰ Biodiversity Metric (dated February 2024), prepared by United Environmental Services Ltd

hierarchy. It continues to state that the most preferred mitigation is avoidance, then restoration/mitigation and the last preferred option being to offset biodiversity impacts, which I acknowledge is also reflected in the Landscape, Biodiversity and Trees SPD.

27. The Council have suggested a condition which would require the submission of a Biodiversity Enhancement & Management Plan (BEMP). The wording of the condition is such that the Plan shall deliver a biodiversity net gain on site. The appellant has not objected to the imposition of the suggested BEMP condition. Consequently, whilst the proposal currently provides insufficient information on how a net gain in biodiversity would be achieved, I can reasonably attach the suggested BEMP condition which would overcome it.
28. Furthermore, it is important to consider that whilst it is recognised that the mandatory 10% BNG is not triggered, the advice in the Planning Practice Guidance (PPG) indicates it would generally be inappropriate to refuse an application on grounds the biodiversity gain objective will not be met. Had the appeal proposal been caught by the statutory Biodiversity Net Gain requirements, the statutory BNG condition would have sorted out any deficiencies. Therefore, with a suitably worded condition in place, I am satisfied that the requirement for a BEMP would result in a similar outcome, and it is not a reason to refuse planning permission in these circumstances.
29. Consequently, with a suitably worded condition in place, the proposal would make adequate provision for Biodiversity Net Gain. It would be in accordance with Policy EM4 of the Local Plan, the Landscape, Biodiversity and Trees SPD and the Framework. Together, these policies and SPD's require development proposals to avoid significant harm to biodiversity or, if that is not possible, adequately mitigated and where it can be clearly demonstrated that there will be no loss or deterioration of a key habitat type, including irreplaceable habitats.

Great Crested Newts (GCN's)

30. The appeal site is located with an 'amber risk zone' for Great Crested Newts (GCN's). GCN's and their resting places are protected by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). GCN's require both terrestrial and aquatic habitats, spending the majority of time within grassland, woodlands, scrub and hedgerows, migrating to ponds to breed. There is a single mapped pond within 250m of the proposed development site, which are located approximately 140m to the east of the site. The PEA confirmed that the pond was subject to an eDNA assessment. The pond returned a negative eDNA result. Therefore, the PEA concluded that direct impacts on GCNs were considered to be extremely unlikely.
31. The eDNA assessment was carried out in April 2020. I note the Council's concerns regarding the survey being out of date, stating that best practice guidance outlines that survey data for protected species licence applications should be less than 2 years old. Nevertheless, whilst the date of the survey data is noted, the evidence before me demonstrates that the risk to GCN's would be extremely low. In addition, the Council mentions that it is in 'receipt of detailed mapping in the form of Impact Risk Zones for Great Crested Newts' but fails to provide any substantive evidence to counteract that of the PEA. Therefore, on the basis that the evidence

before me demonstrates that the proposal would not have a negative effect on GCN's, I can accept the data in these circumstances.

32. The appellant has provided an example of a condition which has previously been used by the Council for an application in the red risk zone for GCN's, a higher risk zone to that of the appeal site. A similar suitably worded condition would ensure that a Construction Environmental Management Plan (CEMP), or other similar strategy, would set out reasonable avoidance measures to be taken to avoid impacts on GCN's prior to the commencement of development. I am satisfied that with a suitably worded condition in place, this would prevent any adverse impact on protected species. A contribution to the District Level Licensing (DLL) scheme would not be necessary nor justified in these circumstances.
33. In coming to my conclusion on this matter, I am also mindful of the extant planning permission for 2 dwellings on the site, which could be implemented without any further survey work. This would have a similar impact on GCN's as the proposal before me now.
34. Consequently, the proposal would therefore be in accordance with Policy EM4 of the Local Plan which states that development proposals will only be permitted if significant harm to biodiversity resulting from a development can be avoided or, if that is not possible, adequately mitigated and where it can be clearly demonstrated that there will be no adverse impact on the conservation status of key species.

Planning Balance

35. Paragraph 48 of the Framework states that 'planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'. The earlier implemented full consent for 2 dwellings, as a fallback development, is a material consideration in the case of the appeal site.
36. Various court cases have considered the concept of a fallback development as a material consideration¹¹. *Mansell v Tonbridge and Malling BC & others* ruled that there should be a "real prospect" of a fallback development being implemented and that the decision-maker should exercise their planning judgment as to whether that would be the case depending on the particular circumstances. In *R (SPVRG Ltd) v Pembrokeshire CC*, this case asked whether 'the fallback be significantly more harmful than the appeal scheme or would the effect be similar or less harmful?' It also asked 'if a genuine fallback exists is this a sufficient justification for a proposal which would cause significant harm (particularly if the degree of harm would be similar)?'
37. In *Schneck v SSHCLG & West Berkshire DC*, the Court held that "the prospect of the fallback position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect". Although the possibility of a fallback position happening may be very slight, this is sufficient to make the position a material consideration.
38. Bearing in mind the above, I consider that there is a real prospect of the 2023 consent being built out as approved. It has been implemented and remains extant. Consequently, the site could reasonably be developed to a residential site, with a

¹¹ *Schneck v SSHCLG & West Berkshire DC* [2022] EWHC 3335 (Admin), *R (SPVRG Ltd) v Pembrokeshire CC* [2022] EWHC 143 (Admin), *Mansell v Tonbridge and Malling BC & others* [2017] EWCA Civ 1314 and *Gambone v SSCLG*

similar degree of urbanisation and domestication to that in the current proposal, through the implementation of the 2023 consent. Both the appeal proposal and the 2023 consent would result in 2 detached dwellings in a location contrary to the development strategy, as well as failing to provide opportunities for sustainable transport, accessibility to services and facilities, and the transition to a low carbon future.

39. The Council has raised concern in regard to the increased built footprint compared to the extant permission, calculating that the approved scheme has a total built footprint (including the houses and the garages) of approximately 370sqm, whilst the proposal before me now has a total of approximately 600sqm. Nevertheless, whilst the size of the dwellings before me now are larger and are of a different design, the scale of development with regards to number of dwellings, the associated domestic paraphernalia and the location of the development is therefore comparable. I therefore give significant weight to the fallback position.
40. The application was determined under the terms of the 2023 Framework, when only a 4 year housing land supply had to be demonstrated, which the Council at the time could achieve. However, the 2024 Framework introduced a new methodology for calculating local housing need figures, which have resulted in an increase in the housing need figure, from 828 dpa to 1,127 dpa as of December 2024. The most recent position statement¹² confirms that the Council can only demonstrate 2.94 years supply. In addition, the Council has confirmed that they have accepted a lower figure of 2.78 years, as determined by an Inspector as part of an earlier appeal¹³. Consequently, paragraph 11 of the Framework is now engaged.
41. Paragraph 11 of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Footnote 8 of paragraph 11 confirms that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Footnote 9 sets out the key policies of the Framework which should be given particular regard.
42. The proposal would be contrary to Policies SS1, SS6 and CN9 of the Local Plan, as the location of the proposal would be contrary to the development strategy, as well as failing to provide opportunities for sustainable transport, accessibility to services and facilities, and the transition to a low carbon future. Therefore, the proposal would conflict with the development plan as a whole.
43. Whilst the conflict with the development plan amounts to harm, the development strategy is clearly failing to deliver a five-year supply of housing. Accordingly, the weight to be afforded to the conflict with the development strategy, in light of the land supply shortfall, is reduced and I attach moderate weight to the conflict in these circumstances. Such a level of housing land supply shortfall would mean that the provision of even just 2 dwellings would attract significant weight in the balance,

¹² Annual Monitoring Report December 2024

¹³ Appeal Reference APP/H1705/W/24/3350575

consistent with the Government's aim in paragraph 61 of the Framework of significantly boosting the supply of homes.

44. There would also be economic benefits contributing to building a stronger, responsive, and competitive economy, supporting growth with construction and post-construction benefits. The future occupants would also undoubtedly contribute to the local economy and to the continued viability of local services in surrounding villages, which would also bring social benefits. Whilst I appreciate that there is an extant permission for 2 dwellings on the site, this would not reduce the weight to be given to the benefits to be delivered by the appeal proposal as a standalone development, as alleged by the Council. Consequently, together these benefits carry moderate weight in favour of the development.
45. In reference to the key policies referred to in footnote 9 of paragraph 11 of the Framework, the Council confirm that the proposal would not be isolated under the terms of paragraph 84 of the Framework. Whilst the proposal itself would fail to offer genuine choice of transport modes, in this particular instance taking in to account the vision for the site in regard to the extant fallback position, it would result in the same type of development, in the same location. For the reasons set out above, I have found that the proposal would not harm the character and appearance of the area. The proposal would achieve appropriate densities, making effective use of land, and a well-designed scheme, sympathetic to the local character and appearance of the area, would be secured. Paragraphs 66 and 91 would not be applicable in these circumstances.
46. Consequently, in the context of paragraph 11 of the Framework and having particular regard to the policies referred to in footnote 9, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, having regard to the relevant key policies. Consequently, while the proposal would conflict with the development plan as a whole, material considerations, including the approach of the Framework, outweigh that conflict and indicate that planning permission should be granted for development which is not in accordance with it.

Conditions

47. I have assessed the Council's suggested conditions in light of the advice provided in the PPG and have amended them as necessary for clarity purposes.
48. A condition setting a time limit for commencement of the development is required by statute. It is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty, including the phasing plan.
49. To ensure the character and appearance of the area is not harmed, conditions requiring further details of the external materials to be used as well as full landscaping details are both considered reasonable.
50. To ensure that convenient arrangements are made for refuse and recycling storage and collection, and to ensure that no obstruction is caused on the adjoining highway, suitable provision for refuse and recycling storage within the dwellings curtilages is considered reasonable.

51. A condition to ensure that the areas to be used for vehicles and pedestrians are laid out with a drained surface is considered necessary in the interests of highway safety, as well as for the provision of surface water drainage. Also in the interest of highway safety, conditions to ensure that the vehicular access is constructed as approved, as well as being constructed with a non-migratory surface, are both necessary. A condition requiring parking areas and garages to be retained for parking purposes is also necessary in the interests of highway safety.
52. For the reasons already alluded to, a condition requiring a BEMP is both reasonable and necessary.
53. To ensure the living conditions of nearby properties are not harmed, it is necessary to restrict the hours of construction, as well as the delivery of construction materials or plant and machinery, as well as the removal of any spoil from the site.
54. A condition requiring tree protection measures to be implemented in accordance with the submitted arboricultural report is reasonable to ensure that the retained trees are protected.
55. A condition to secure a construction statement as to how the new dwelling shall meet a water efficiency standard of 110 litres or less per person per day is considered both reasonable and necessary in the interests of maximising resource efficiency, most notably water.
56. In order to encourage the use of more sustainable modes of transport, it is considered reasonable to ensure that the dwellings have provision within their curtilage for secure cycle parking facilities. To ensure that foraging bats are protected, further details of any external lighting is reasonable. A condition requiring a detailed services layout should be submitted for approval to ensure the protection of identified tree, landscape and wildlife features/areas.
57. A condition requiring details that one of the dwellings would be built to accessible and adaptable standards is necessary to enable people to stay in their homes as their needs change. Finally, for the reasons already set out above, a condition requiring a CEMP is reasonable to avoid any impacts on GCN's.

Conclusion

58. For the reasons set out above, having considered all other matters raised, I conclude that the appeal is allowed.

Laura Cuthbert

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos. Location and Block Plan (drawing no. RGFB-PL-89), Proposed Access (drawing no. RGFB-PL-095), Phasing Plan (drawing no. RGFB-PL-090), Plot 1 Elevations as Proposed (drawing no. RGFB-PL-101), Plot 1 Floor Plans as Proposed (drawing no. RGFB-PL-100), Plot 2 Elevations as

Proposed (drawing no. RGFB-PL-103) and Plot 2 Floor Plans as Proposed (drawing no. RGFB-PL-102).

- 3) The development hereby approved shall be constructed in accordance with the Phased Development Plan (drawing no. RGFB-PL-090). Development shall proceed in accordance with the approved Phasing Scheme.
- 4) No development shall commence above slab level on site of each phase of development, as agreed under condition 3 of this permission, until details of the types and colours of external materials to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
- 5) Each property hereby permitted shall not be occupied or the approved use commence, whichever is the sooner, until the respective property has have provision within its curtilage for refuse and recycling storage (prior to disposal), the surface materials from the carriageway to the waste container collection point shall be smooth and shall not hinder the movement of waste containers to the collection vehicle and shall make space to provide 1 number 240ltr refuse Wheelie bin, 1 number 240ltr recycling Wheelie bin and 1 number glass recycling box, and the areas of land so provided shall not be used for any purposes other than the storage (prior to disposal) or the collection of refuse and recycling and shall be thereafter retained and maintained as such.
- 6) No development shall take place above slab level on each phase of development, as agreed under condition 3 of this permission, until full landscaping details have been submitted to and approved in writing by the local planning authority. The landscaping details shall provide as a minimum:
 - Hard landscape details shall include the design, type, position and scale of boundary treatments, boundary treatment materials (including finishes) and hardsurfacing materials including any access gates to be installed along with any boundary treatments about the driveways.
 - Soft landscape details shall include full planting plans, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers /densities where appropriate. The landscaping scheme shall where reasonably practicable retain and enhance the existing boundary hedgerows.
 - Tree planting and replacement planting schedule to include the details of the new tree genus and species with use of native species where appropriate as well as tree sizes and pit rooting details following advice contained within BS:8545: 2014 Trees: From nursery to independence in the landscape - Recommendations;
 - The specification of tree planting pits together with a method statement for their construction and details of any irrigation or drainage infrastructure, tree root barriers (if necessary) to prevent damage or disruption to any proposed hard surfacing or underground services, drains or other infrastructure (including details of the location of external lighting) sufficient to demonstrate how the development is

to be serviced without conflict to tree planting, with allowance for reasonable growth. Where applicable, tree pits shall utilise shared trenches and soil cells to allow adequate rooting area to extend underneath the proposed hard surfacing.

- An implementation programme.
- A Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas outside of residential curtilages to address all operations to be carried out in order to allow successful establishment of planting and the long term maintenance of the landscaping in perpetuity, and including provisions for review at least every five years).

The development shall be carried out and thereafter maintained in accordance with the details so approved. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be agreed in writing by the local planning authority.

- 7) Within each phase, as agreed through condition 3, the development shall not be brought into use until all areas indicated to be used for vehicles and pedestrians on the approved plan have been laid out with a drained surface. Provision shall be made to direct run-off water from the surface to a permeable or porous area or surface within the curtilage of the development. Such areas shall be retained as such for the lifetime of the development.
- 8) Before each phase of the development is brought into use, as agreed within condition 3, the means of vehicular access to the site shall be constructed in accordance with the approved plan (Drg No. RGFB-PL-095) and no structure, erection or planting exceeding 1.0m in height shall thereafter be placed within the visibility splays shown on the approved plans.
- 9) Prior to the first occupation within each phase of the development as agreed through condition 3, the site access shall be constructed with a non-migratory surface material for a minimum distance of 6m measured from the nearside edge of the carriageway on the adjacent highway and will be maintained in that condition thereafter.
- 10) No development upon the slab level of the dwellings shall take place on each phase of development, as agreed under condition 3 of this permission, until a Biodiversity Enhancement & Management Plan (BEMP) has been submitted to and approved in writing by the local planning authority. The Plan shall deliver a biodiversity net gain on site. The BEMP will include the results of the provided Biodiversity Metric and the following:
 - A) Description and evaluation of features to be managed and enhanced
 - B) Extent and location/area of proposed enhancement works on appropriate scale maps and plans to include species/faunal enhancement measures
 - C) Ecological trends and constraints on site that might influence management
 - D) Aims and Objectives of management
 - E) Appropriate management Actions for achieving Aims and Objectives

- F) An annual work programme (to cover an initial 5-year period)
- G) Details of the specialist ecological management body or organisation responsible for implementation of the Plan
- H) For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12-month period
- I) The Plan will be reviewed and updated every 5 years and implemented for perpetuity.

The Plan shall include details of the legal and funding mechanisms by which the long term implementation of the Plan will be secured by the developer with the specialist ecological management body or organisation responsible for its delivery. The Plan shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the Objectives of the originally approved Plan. The approved Plan will be implemented in accordance with the approved details.

- 11) No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.
- 12) No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.
- 13) Tree protection measures, including fencing, ground protection, supervision, working procedures and special engineering solutions shall be carried out in accordance with the Arboricultural Report dated 6 th November 2023 referenced 22070 rev C prepared by Sylva Consultancy. Tree protection fencing and ground protection shall be erected prior to any site activity starting and maintained throughout the development. The development shall be carried out in complete accordance with the approved Arboricultural Report.
- 14) The development of each phase, as agreed under condition 3 of this permission, shall not be occupied until a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the local planning authority, unless otherwise agreed in writing with the local planning authority through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.
- 15) The parking area and garages hereby approved shall not be used for any purpose other than parking, loading and unloading of vehicles.
- 16) The development of each phase, as agreed under condition 3 of this permission, hereby permitted shall not be occupied until the property has

provision within its curtilage for secure cycle parking facilities for 2 long and 1 short stay places with a transit route to and from the public highway as shown on the approved plans. The cycle storage shall thereafter be retained and maintained for such purposes.

- 17) No external lighting shall be installed unless this has been first submitted to and approved in writing by the local planning authority. The external lighting scheme shall include full lighting specifications and address the cumulative effects of all external lighting sources upon the rural location and nocturnal animals sensitive to external lighting (principally bats) and be informed by the details contained within the Preliminary Ecological Appraisal and Preliminary Bat Roost Appraisal Report by ABR Ecology Ltd dated 9th September 2019. The lighting shall be operated and maintained in accordance with the approved scheme.
- 18) No development of each phase, as agreed under condition 3 of this permission, including any demolition works, soil moving, temporary access construction and/or widening, or storage of materials, shall commence on site until a detailed services layout has been submitted and approved in writing by the local planning authority. All services shall be included including gas, electricity, foul and fresh water, drainage and telecommunications. If a particular service is not required, a statement shall be included to that effect. The layout shall respect landscape and wildlife protection and mitigation measures and in particular, ensure that its implementation does not require installation or future maintenance excavations to be made within protection zones. The development and/or other operations shall be carried out and thereafter maintained in complete accordance with the approved service layout.
- 19) A minimum of one of the dwellings hereby approved shall be built to accessible and adaptable standards. No development above slab level shall commence on site until details of which property/properties is/are to be built to such standards are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 20) No development shall commence on site until a Construction Environmental Management Plan (CEMP) or other similar strategy that sets out reasonable avoidance measures to be taken to avoid impacts on great crested newt during the construction phase is submitted to and approved in writing by the local planning authority. Thereafter the development shall proceed in accordance with the approved details.