



Appeal Decisions

Hearing held on 19 August 2025

Site visit made on 19 August 2025

by **R Hitchcock BSc DipCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th September 2025

Appeal A Ref: APP/R0660/X/25/3366704

Carlisle House, Knutsford Road, Knolls Green, Mobberley, Knutsford, WA16 7BA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful development (LDC).
- The appeal is made by Mr James Murphy against the decision of Cheshire East Council.
- The application ref 24/5129/CLPUD, dated 18 December 2024, was refused by notice dated 21 March 2025.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
- The development for which a certificate of lawful development is sought is the construction of a building incidental to the enjoyment of a dwelling house.

Appeal B Ref: APP/R0660/W/25/3362993

- 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 J Murphy against the decision of Cheshire East Council.
- The application Ref is 24/2477M.
- The development proposed is the 'Construction of a single storey dwelling with access, landscaping and associated work'.

Decisions

Appeal A – The LDC Appeal

1. The appeal is dismissed.

Appeal B – The s78 Appeal

2. The appeal is allowed, and planning permission is granted for the construction of a single storey dwelling with access, landscaping and associated work at Carlisle House, Mobberley, WA16 7BA in accordance with the terms of application Ref 24/2477M, subject to the conditions in the attached schedule and an obligation made under s106 of the Act.

Preliminary Matters

3. As set out above there are two appeals relating to two different developments at the above address. As my finding on Appeal A is potentially material to the consideration of Appeal B, I deal with that first.

Appeal A – The LDC Appeal

Main Issue

4. The main issue is whether or not the Authority's decision to refuse the LDC was well founded. That turns on whether the proposed development would constitute permitted development by virtue of the provisions of Article 3(1) and Class E of

Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

5. Section 192 of the Town and Country Planning Act 1990 (the Act) provides for the grant of a lawful development certificate for a proposed development that would have been lawful had it been instituted or begun at the time of the application. The onus is on the appellant to make that case on the balance of probabilities.

Curtilage

6. Class E allows the provision within the curtilage of a dwellinghouse of 'any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such'....subject to conditions.
7. There is dispute between the main parties as to whether the area of land on which the proposed building would be sited falls within the curtilage of Carlisle House. The GPDO does not define the term 'curtilage', however, the Technical Guidance: Permitted development rights for householders (2019) advises it is 'land which forms part and parcel with the house. Usually, it is the area of land within which the house sits, or to which it is attached, such as the garden, but for some houses, especially in the case of properties with large grounds, it may be a smaller area.'
8. Carlisle House sits in a large, roughly triangular, plot with established planted boundaries to Warford Lane, the common boundary with neighbouring property on Knutsford Road, and a golf course to the south. The extended dwelling and a number of outbuildings behind it are accessible from a vehicular driveway from Knutsford Road. An outdoor swimming pool and tennis court are located to the south of formal gardens. These consist of a manicured lawn bordered by formally planted beds and incorporating a modest summer house. Those areas are framed by a combination of the boundary landscaping and a band of trees set on a bund along the south-western side of the lawn.
9. Beyond the band of trees, the land tails to an acute tip at some distance from the dwelling. Unlike the gardens immediately connected to the house, the predominantly coarse grassed ground here is somewhat uneven. It is this more distant area on which the proposed outbuilding is shown to be sited.
10. The appellant directs me to a number of caselaw decisions relevant to a determination of 'curtilage'. The case of *Hiley*¹ sets out a number of considerations in establishing what might, as a matter of fact and degree, constitute a building's curtilage. It reflects the findings set out in the earlier referenced caselaw². I discuss these considerations below.
11. The appellant's evidence shows that the land was acquired in 2006 as a single title and that a planning record from 1985 shows the majority of the land to be historically associated with the dwelling as a residential plot. As a plot, the land is entirely within a consistent ownership.

¹ *Hiley v SoS* [2022] EWHC 1289 (Admin)

² Including: *Dyer v Dorset CC* [1988] 3 WLR 213; *Sinclair-Lockhart's Trustees v Central Land Board* (1950) 1 P&CR 195; *Burford v SSCLG & Test Valley BC* [2017] EWHC 1493 (Admin); [2017] JPL 1300; *Blackbushe Airport Limited v Hampshire County Council and SSEFRA* [2021] EWCA Civ 398

12. The appellant advised that, circa 2009 when the tennis court was constructed, the land about the dwelling was zoned for different purposes. The arisings from levelling the tennis court area were mounded to create the planted bund to partition the garden to meet various functions including outdoor sports, play space, and more formal landscape areas for relaxation and enjoyment. It is common ground between the main parties that the land has probably not been used for purposes other than in association with the domestic use of Carlisle House. Notwithstanding, land can be used as garden without being part of a curtilage.
13. While curtilage is not a use of land, the appellant's evidence shows sport and play equipment being present on the land at various points in time. Notwithstanding, there is little detail of the times or frequency of their use. A supporting statement from a neighbour indicates that its past use for recreation was witnessed by him, however, again there is little detail of any timings.
14. I have little doubt that the land beyond the bund was actively used for play and recreation once cricket ball-stop netting, a wooden fort and moveable goal posts (visible in 2010 photos) were installed. However, the evidence of recent function, or that those uses have continued to serve the purposes of the dwelling in a reasonably useful manner in the run up to the date of the application, is limited.
15. The appellant's sworn statement claims that the continued presence of the cricket net frame and the single goal post on the land demonstrate continuity of the associated uses some 15 years later. However, at the time of my site visit, the play fort appeared tired and overgrown such that its use would be difficult due to overhanging trees and growth emerging from the openings. There were also few signs of recent wearing of the ground that might be anticipated with regular use of the other equipment during the dry summer season.
16. Notwithstanding the absence of any physical barrier to direct access from the house, on the ground, the matured tree belt and bunds physically subdivide the site. Contrary to the appellant's assertion, I saw that they both limit intervisibility between the visually distinct areas and, coupled with the intervening distance from the house, restrict any sense of intimate association of the building's proposed location with the dwelling. Despite the remnant play equipment and evidence of maintenance of the grassland, the informal appearance of that area adds significantly to that distinction.
17. Even accounting for the scale of the enlarged dwelling, the south-western area cannot, in my view, be said to form part and parcel of the building as a matter of fact and degree. That the proposal plans show the necessity for a dedicated access to serve the proposed building's function adds weight to that conclusion.
18. Taking all of the above together, I find that the appellant has not discharged the burden on the balance of probability and conclude that the land on which the outbuilding is proposed does not form part of the curtilage to Carlisle House. Thus, it does not benefit from the provisions of Class E as described in the GPDO.
19. The matter of whether or not the use of the building would be incidental to the use of the dwelling (the Council's second reason for refusal of the LDC) does not therefore fall to be considered. Furthermore, I am not directed to any other Class of the GPDO. As 'development', as defined under s55 of the 1990 Act, the building would therefore require the benefit of planning permission.

Appeal A Conclusion

20. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for a building incidental to the enjoyment of the dwelling house was well-founded and that Appeal A should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the Act.

Appeal B – The s78 Appeal

Main Issues

21. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies
- if found inappropriate, the effect on the openness of the Green Belt
- the effect on the Open Countryside
- the effect on Great Crested Newts
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development in the Green Belt

22. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy PG3 of the Cheshire East Local Plan Strategy 2010-2030 [2017] (the CELPS) is consistent with the Framework's approach. However, it does not include reference to the 'grey belt' exception to inappropriate development provided at Paragraph 155 of the revised Framework.
23. At the hearing, I heard that there was no dispute between the main parties that the proposed dwelling does not fall within any of the exemptions to inappropriate development listed within Paragraph 154 of the Framework. However, they agreed that the site would fall within the Framework's definition of 'grey belt' (as land not strongly contributing to any of purposes (a), (b), or (d) in Para. 143), as defined in the Framework's Annex 2.
24. Furthermore, of the grey belt exemption tests set out in Paragraph 155, the parties agreed that the proposed development would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan and that it would meet an unmet need for housing. However, while it agreed that the criteria at Paragraph 155.d. does not apply to the proposal, the Council considered that the development would not be in a sustainable location having particular reference to Paragraphs 110 and 115 of the Framework (Para.155c).
25. Amongst other things, the Framework seeks to manage patterns of growth to account for the environmental impacts of transport and to promote walking, cycling

and the use of public transport as sustainable transport modes. Having regard to the grey belt update to the Framework, the Council directed me to Table 9.1 of Policy SD2 of the CELPS which sets out adopted guideline appropriate access distances using public routes to services and amenities.

26. As a location outside of any defined settlement area with few services in the vicinity, I heard that only three of the 20 guideline distances would be met. A post box and an hourly bus service were within close proximity to the site, as are some public rights of way. As a useful tool for assessing the relative degree of sustainability of a location with respect to access to goods and services to meet day-to-day living needs, I find Table 9.1 a reasonable metric.
27. Notwithstanding that the hourly rural bus service might compare favourably with most and could link the site to main settlements in the area, it would be insufficiently frequent to be practical for the family life the development is aimed at supporting. As a location served by mainly unlit roads, it would not be conducive to safe walking or cycling – particularly during hours of darkness or inclement weather. For the most, I find a residential use of the site would be primarily dependent on private motor vehicle to conveniently access remote services and amenities. It would not therefore meet the sustainable location requirement.
28. I note the appellants' assertion that the development would potentially score highly on other sustainability metrics, including its proposed construction to Passivhaus standards for example, however, as Paragraph 155.c of the Framework is only concerned with locations, those are not matters of significant weight in the consideration of the grey belt tests.
29. As development failing to meet any of the listed exemptions in Section 13 of the Framework, I find the proposal would constitute inappropriate development in the Green Belt.

Openness

30. The essential characteristics of Green Belts are their openness and their permanence. The proposed dwelling would be designed to last for tens of years and would be sited on land which is currently substantially free from development aside from the timber play fort. The presence of the proposed building and associated engineering works would cause a spatial loss of openness.
31. Visually the development would be largely contained by existing boundary trees and vegetation which could be retained through planning condition. Subject to that retention, views would be generally limited to the upper parts of the building or glimpses through the access opening onto Warford Lane. The modest overall height of the building would ensure it would not be prominent in the wider landscape.
32. At the hearing, the main parties agreed that the overall effect on openness would be 'limited'. Having regard to the evidence, I find little reason to disagree with that conclusion in the case circumstances.

Open Countryside

33. Policy PG6 of the CELPS seeks to preserve the countryside for its scenic, recreational, aesthetic and productive qualities. To that end the policy restricts new development in the countryside to a number of listed exceptions. The proposed

dwelling does not fall within the stated exemptions. However, the Council accepts that the policy is inconsistent with the Framework insofar as Paragraph 84e) provides for the exception to isolated homes in the countryside if 'the design is of exceptional quality in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas and, would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area'.

34. I heard that there is some dispute as to whether the location of the proposed development should be regarded as 'isolated' such that the exception in the Framework might not be applied. The character of development in the local rural area is loosely dispersed and primarily surrounded by open land. As a site remote from any identified settlement and distant from most services and amenities, I find the location would be isolated for the Framework's purpose of restricting rural housing.
35. In design terms, the proposed development would include the incorporation of graphene enhanced (GE) materials within parts of the building to facilitate ongoing learning and seek to prove the practical application of that emerging technology on residential building construction. The remainder, built in traditional materials, would act as a 'control experiment' to various measurements and monitoring of the performance, handling and longevity of the GE materials during the construction and operational phases of the project.
36. The appellants' evidence asserts that, by way of reducing mass and cement content in concrete elements - through strength and resistance enhancement, emerging GE construction materials could lead to significant carbon savings during their production, use, transportation, longevity and insulative properties. Additionally, insulation utilising GE wool could offer an alternative to established fossil fuel-based options.
37. Although the development would only act as a test bed in support of advancement of sustainable material technology, such innovations are given significant weight in design terms by Paragraph 139.b) of the Framework. Accordingly, it seems to me that those progressive aspects of the development's architecture would meet the 'outstanding' and 'highest standard' test set out in Paragraph 84.
38. Notwithstanding, while the layout and appearance of the development would be sensitive to the mixed ages, character and sizes of dwellings found in the locality, as a building designed to appear 'humble' and reflective of local farmstead layouts, its exterior would be somewhat unremarkable. Although it could raise standards of design if successful, it would not significantly enhance its immediate setting. The Framework's 'exceptional quality' requirement in Paragraph 84e)ii would not be met. Accordingly, I find there would be a conflict with Policy PG6 and Para. 84 of the Framework as they seek to restrict new housing in the countryside.

Great Crested Newts (GCN)

39. Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) imposes a duty on me to have regard to the likelihood of European Protected Species (EPS), including GCN, being present and affected by the proposed development. The applicants' ecological surveys of the locality, a GCN amber risk zone, revealed the presence of GCN and potential for the development to have an adverse impact on the EPS.

40. In support of the development the applicants have provided a copy of a Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment signed by Natural England. This impact assessment and conservation payment certificate (IACPC) demonstrates that, irrespective of whether GCN are present at the time the development is carried out, suitable mitigation has been secured to maintain the population of GCN at a favourable conservation status in their natural range. Accordingly, I am satisfied that any potential harm to GCN or their habitats could be adequately mitigated.
41. Whether the development would pass the remaining legal tests for the issue of a Regulation 55 mitigation licence for an otherwise unlawful activity is a matter for Natural England under a separate regulatory regime. However, I note that the scheme would deliver a family home in an area of identified significant shortfall of housing land supply. Moreover, by incorporating GE materials in a real-world scenario it could facilitate learning and the proving of materials with potential capability to significantly reduce carbon emissions (as discussed below). Accordingly, in my view, the Regulation 53(2)(e) test of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment' is likely to be met.
42. Furthermore, I heard evidence at the Hearing that both the dearth of active real-world pilot examples and the financial constraints to providing them was a significant barrier to the continuing development and proving of advanced building materials for wider use. As an exceptional opportunity, the use of part of the appellants' land ownership, all of which lies close to ponds capable of accommodating GCN, leads me to the view that there is currently no satisfactory alternative such that the Regulation 53(9)(a) requirement is also likely to be met. Accordingly, there is little before me to indicate that a licence is unlikely to be issued by Natural England.
43. Taking the above matters together, I find the development would likely meet the requirements in the Regulations. It would thereby accord with Policy SE3 of the CELPS and Policy ENV2 of the Site Allocations and Development Policies Document [2022] (the SADPD) and the Framework as they seek to protect EPS.

Other Considerations

44. In support of the development, the appellants referred to the potential economic, social and environmental benefits arising from the real-world application of GE materials in improving sustainability in the construction industry. In combination with the proposed real-time monitoring of pertinent metrics during the construction and operational phases of the development for up to 10 years, it would assist research and market development.
45. It was highlighted that the production of concrete is the third largest global producer of carbon emissions. The development of new technologies to reduce embodied carbon would, if applied at scale, have substantial implications for global warming. The potential for carbon savings would align with national climate change objectives, net zero targets and Cheshire East Council's strategy to move towards carbon neutrality.
46. The appellants' evidence demonstrates that, to that end, the pilot 'living laboratory' scheme for the application of nano materials to the construction sector is

extensively supported by research institutions including Manchester University's Graphene Engineering and Innovation Centre and Liverpool University's Zero Carbon Research Institute. I heard that other research and development organisations, industry associations³, and spin-off small and medium sized enterprises⁴ (SMEs), also champion the benefits of the real-world trial use of GE materials in domestic building construction.

47. At the point of attempting to translate theory and lab-based findings into practical applications, the project could further understanding, it could prove materials in practice and demonstrate that the significant theoretical benefits could be viably achieved in the industry. It could demonstrate those benefits to potential investors and customers to enable/encourage further investment as stepping stones for the advancement of the products and scaling-up of their production and use. It could inform domestic construction standards to facilitate the wider use of GE materials.
48. Moreover, it was asserted that opportunities for live testing to progress those benefits were very much limited due to funding restrictions and investment risks. At relatively early application stages, I heard that investors were generally unwilling to commit such resources. As no equivalent opportunities exist, the supporting organisations were extremely keen to utilise the opportunities provided by the appellants' own investment and risk in a domestic scenario.
49. The appellants' evidence also emphasised that the discovery and development of graphene in the UK ensured it was well placed to be the market leader in GE material innovation. As a 'world-first' in active domestic application, the project could assist in supporting that outcome. It could help establish a firm footing for home-grown technology with significant national and international potential and benefits.
50. I also heard that the proving and scaling of the utilisation of recyclable GE moth-resistant British wool insulation could enhance the value of, and optimise, a significantly underused and undervalued domestic sheep farming by-product resource. It could create a circular economy beneficial to both the UK agricultural and construction sectors and displace fossil-fuel derived alternatives providing social, economic and environmental benefits.
51. I acknowledge the Council's concern that the GE products were as yet unproven and that the experimental status of the development could result in failure leaving an unjustified development in a Green Belt location. Conversely, the appellants contend that such risks are minimal given that 'proof of concept' has been established, that minimum build standards would need to be demonstrated and met for the project (the Building Regulations), and that learning would accrue in any case even if elements failed or under-performed.
52. Having heard the potential benefits of the GE materials and the significant institutional and business support, subject to securing the use and monitoring of the GE materials and the dissemination of results through an appropriate mechanism, I find the balance of the potential benefits to sustainable development advancement should be attributed substantial weight in favour of the proposal.

³ including: The Mineral Products Association; the Land, Planning and Development Federation; Runshaw College; RIBA NW

⁴ Some encouraged through ERDF funding and the Government's Industrial Strategy Challenge Fund: Transforming Foundation Industries.

53. The appellants' case also sought to rely on the successful outcome of Appeal A as a fallback position to demonstrate that the development would have a limited additional effect on the openness of the Green Belt compared to a scheme that might be constructed under the terms of the GPDO. However, as I have found that Appeal A should not succeed, that fallback position does not exist.
54. Although other permitted development proposals could come forward to meet the appellants' additional recreational needs, there is little before me to demonstrate that any such development within the dwelling's curtilage would be a real prospect such that any fallback of comparable impact would occur. Accordingly, I attribute this limited weight.
55. As a proposal designed to achieve Passivhaus standards, the dwelling could minimise the use of energy and resources to exceed current Building Regulations requirements. However, as this benefit would be somewhat undone by the site's isolated location, this is a benefit of limited weight.
56. The scheme would deliver a self-build development meeting a recorded interest on the Council's Self/Custom Build Register. However, as there was no contention that the number of available plots exceeds the demand on the register, this is a matter of negligible weight in the appeal. I note the appellants' personal circumstances where there is a wish to downsize but remain in their current location. This is also a matter of negligible weight in the case circumstances.

Other Matters

57. The appeal property lies close to Roadside Cottage, a grade II Listed Building. There is no dispute between the main parties that the proposed development wouldn't have an adverse effect on the Listed Building or its setting. Pursuant to the duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, having considered the proposal and visited the site I concur with that view. This is because of the intervening distance, the position of Carlisle House and the established high boundary vegetation and trees which exist between the sites. Accordingly, it is my view that the development proposed would preserve the setting of the designated heritage asset.

Very Special Circumstances and the Planning Balance

58. The proposed dwelling is inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The building and associated external hard surfaces would also cause limited harm to the openness of the Green Belt, which is one of its essential characteristics. Additionally, there would be a minor conflict with the policy requirement for the isolated new home to significantly enhance its immediate setting.
59. Whilst I recognise the Council's concerns that there is a degree of 'hope' value in the potential sustainability and innovative design benefits of the development, I find the considerations presented by the appellant, including the various potential social, economic and environmental benefits alongside the compelling evidence of the importance of 'live' testing of the performance of GE materials and the contribution to local housing need, when taken together, clearly outweigh the totality of the harm that I have identified. Consequently, the very special

circumstances necessary to justify granting planning permission exist and I find the development is consistent with policy PG3 of the CELPS and the Framework when read as a whole.

Planning obligation

60. The appellant has provided a certified copy of a unilateral undertaking under s106 of the Act. The obligation, dated 10 September 2025, would secure the method of agreement of a monitoring strategy for GE and traditional materials used in the building. It would also secure an obligation on the owner to provide periodic monitoring reports to the Council within the first 10 years of the building's occupation for specified dissemination in the interests of GE materials research. I am satisfied that this would suitably secure those beneficial aspects of the development.

Conditions

61. I have considered the suggested conditions from the main parties and had regard to Paragraph 57 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. Some have been edited for precision and clarity.
62. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
63. A condition requiring the full detail, implementation and confirmation of the incorporation of the GE materials to be used in the development is necessary to secure the justifying benefit. The requirement to provide a safe site access before the commencement of works is reasonable to protect highway safety.
64. Conditions requiring precautionary surveys for badgers and nesting birds, the implementation of biodiversity enhancement measures, site landscaping and control of external lighting are necessary in the interests of protection and enhancement of biodiversity interests.
65. In the circumstances of the justification of the development based on the measurement and monitoring of incorporated innovative materials, I find the clear justification for removal of permitted development rights exists. This is to protect the integrity of the research and limit the harm to the Green Belt to a level justified by those potential benefits.
66. As the self-build status of the development is not a determinative factor in the appeal, a condition (or undertaking under s106) is not necessary to secure it in the case circumstances.

Appeal B Conclusion

67. For the reasons given above, the appeal should be allowed.

R Hitchcock

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

James Murphy	Appellant
Constanze Bell	Barrister, Kings Chambers
Nick Lee	Managing Director, NJL Consulting
Elliott Bullock	Associate Director, NJL Consulting
Michael Cunliff	Associate Director, Jeffrey Bell Architects
Patrick Davies	Architect, Jeffrey Bell Architects
Mike Harrison	Chief Executive Officer, Concretene
Dr Vicente Orts Mercadillo	Co-Founder, WULL Technologies; & Senior Scientist, Vector Homes
Professor Neil Currie	Professor of Structural Engineering Practice, University of Salford; & Director, Woolgar Hunter.

FOR THE LOCAL PLANNING AUTHORITY:

Tom Highton	Senior Planning Officer East Cheshire Council
-------------	---

Schedule of Conditions to Planning Permission Reference 24/2477M

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby approved shall be constructed in complete accordance with the following approved plans:

Location Plan 1520-AL(05)001

Proposed Site Plan 1520-AL(05)004

Proposed Ground Floor Plan 1520-AL(05)005

Proposed Roof Plan 1520-AL(05)006

Proposed Sections A1 & A2 1520-AL(05)007

Proposed Sections B1 & B2 1520-AL(05)008

Proposed Elevation N & S 1520-AL(05)009

Proposed Elevation E & W 1520-AL(05)010

Proposed Façade Study 01 1520-AL(05)011

Proposed Façade Study 02 1520-AL(05)012

Proposed Façade Study 03 1520-AL(05)013

Proposed Site Entrance Elevation 1520-AL(05)014

Proposed Site Entrance Plan 1520-AL(05)015

Proposed Parking and Access Plan 1520-AL(05)016

Tree Removal Plan 1520-AL(05)003

Vehicle Swept Path Analysis and Visibility Splays M21080-A-001.

3. No development shall take place until full details of the use of graphene enhanced concrete and insulation within the fabric of the building hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and within 6 months of the completion of the development, a verification report, confirming the use of graphene enhanced concrete and insulation shall be submitted to the Local Planning Authority.
4. The site access and visibility splays shown on drawing M21080-A-001 shall be implemented in accordance with the approved details prior to the commencement of the construction of the dwelling. Any foliage or other obstruction falling within the visibility splays shall be cut back, re-planted or positioned behind the visibility splays or maintained at/not exceeding 1.0m in height relative to the level of the site access for the duration of the approved development.

5. No development shall take place until an updated badger survey has been undertaken by a suitably qualified ecologist and a report submitted to and approved in writing by the Local Planning Authority. The submitted report shall include mitigation and compensation measures, including a timetable for their implementation, for any adverse impacts identified. The approved mitigation and compensation measures shall be implemented in full within the agreed timetable.
6. No hedgerow, scrub or tree clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.
7. No development shall take place above ground level until an Ecological Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. Measures shall include (but are not limited to) the following: 1x Universal Nest Brick or Box for swifts (Avoiding southern elevations) 2x Insect Brick / Box / Towers. The approved measures shall be implemented in full in accordance with an agreed timetable and maintained thereafter for the duration of the development.
8. No trees, shrubs or hedges within the site, other than those shown as being removed on the approved Tree Removal Plan (1520-AL(05)003), shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.
9. No development or other operations shall take place except in complete accordance with the contents of the Arboricultural Impact Assessment (Amenity Tree Care) in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. – Recommendations.

No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

The protective fencing shall be retained intact for the full duration of the construction period of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

10. Prior to first occupation of the development hereby approved, a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, retained trees, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme. The details shall also include information on boundary treatment (including walls and fences), gates and hardstanding including where appropriate elevations or sectional information alongside materials specifications.
11. The approved landscaping plan shall be completed in accordance with the following:-
 - a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.
 - b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 - c) All new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations).
 - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
12. Prior to first occupation of the development hereby approved details of all external lighting to be installed on the site shall be submitted to and approved in writing with the local planning authority. Only lighting in accordance with the approved details shall be installed on the site.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Classes A, B, C, D or E of Part 1 of Schedule 2 of the Order shall be carried out.

END.