



Appeal Decision

Site visit made on 10 July 2025

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2025

Appeal Ref: APP/C1625/W/24/3356399

Land Adjacent to Garden Cottage, Oakridge Lynch, Stroud, Gloucestershire GL6 7NP

- 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 Oakfield Developments Midlands Limited & Alison Mills against the decision of Stroud District Council.
- The application Ref is 24/0519/FUL.
- The development proposed is the erection of 9 residential dwellings and associated landscaping works.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 9 residential dwellings and associated landscaping works at land adjacent to Garden Cottage, Oakridge Lynch, Stroud, Gloucestershire GL6 7NP in accordance with the terms of the application, Ref 24/0519/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues in this case are
 - a) whether the development accords with the spatial strategy,
 - b) its impact on the character and appearance of the area,
 - c) whether it would further the purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape,
 - d) its effect on the natural environment
 - e) the effect on highway safety and the sustainability of the location, and
 - f) if development plan conflict would occur in relation to any or all of these, whether material considerations indicate that the decision should be otherwise than in accordance with the development plan.

Reasons

Spatial strategy

3. The appeal site lies outside of, but immediately adjacent to, the settlement development limits for Oakridge Lynch¹. In order to protect the separate identity of towns and villages, and also the quality of the countryside, Policy CP15 in the

¹ In places in the submissions the settlement seems to be referred to just as Oakridge

Stroud District Local Plan restricts proposals outside the development limits of settlements to certain specified types, none of which apply to this scheme. This position is confirmed by Local Plan Policy CP2, which says housing development will take place within settlement development limits. It acknowledges that limited development could take place elsewhere, but in my view that is just to allow for the exceptions found in Policy CP15. The supporting text to Policy CP2 says development will be coming forward ‘at’ (rather than ‘within’) these settlements. However, to my mind I see no reason to interpret that comment as meaning development is accepted outside of but immediately adjacent to development limits, as that would be contrary to the clearly stated approach in the principal text of Local Plan Policies CP2 and CP15.

4. In the Council’s emerging *Stroud District Local Plan Review* (the Review) Policy DHC2 supports schemes of up to 9 dwellings outside of but adjoining settlement development limits, provided the development would be of a type, tenure and size that addresses demographic imbalances in the local population, and/or a specific housing need identified in the Parish Council housing needs survey. The location of the development accords with the geographic criteria of this policy. However, the Review is currently at examination stage and the Examining Inspectors are recommending it be withdrawn, although I understand this is not something the Council intends to do. Given this, there is uncertainty as to whether Review Policy DHC2 will be adopted in its current form, and so I afford it limited weight.
5. I therefore conclude the scheme would be contrary to the spatial strategy, and Local Plan Policies CP2 and CP15.

Character and appearance

6. The appeal concerns part of an extensive area of paddocks and fields between Bisley Road on the western side, and Water Lane to the east. A small copse is to the north, and immediately to the south, stretching between the 2 roads, is a relatively recent housing development called The Crescent. That development backs onto the site and creates an abrupt edge to the settlement when looking from these paddocks.
7. Turning first to the impact on Bisley Road, houses of individual designs and varied arrangements that stand in large plots are on the western side of this carriageway opposite the site. There is therefore already a sense of entry into the village at this point. Moreover, when looking across the site the line of properties running northwards along Water Lane are visible to the east. As a result, although outside the settlement development limits, this housing scheme would not constitute a notable extension of the built form of the village into the surrounding countryside when seen on this road.
8. To the south of the principal access there would be a terrace of 3 houses (Plots 7-9), to be built roughly on the same line as the existing dwelling beyond (identified as 1 The Crescent on the submitted plans). In my view, the design, scale and siting of this terrace would be sympathetic to the current form of development at The Crescent. A large, detached house (Plot 6) is proposed in between No 1 and this new terrace, it would be set back though behind the buildings to either side, and so would not be visually dominant in the streetscape. To its front, there would be a double garage standing at right angles to the carriageway. However, much of this would be behind the gable of Plot 7, while there is a wooden garage to the

front of No 1, and a certain variety in the nature of buildings on this side of Bisley Road. Consequently, I consider the proposed garage would not be unduly dominant or incongruous.

9. To the north of the principal access 2 detached houses (Plots 1 & 2) would back on to Bisley Road, and be positioned at an angle to the carriageway. This though is not at odds with the informal layout of housing found across the village, and has the benefit of opening up the village's entrance/exit and so softening the link to the countryside around. Their rear boundaries would comprise relatively low stone walls that would be set in from the carriageway edge behind a wide verge that lies outside of their curtilages. The limited height of these walls would mean they were not too dominant, while their intended materials would reflect that found in the locality. As a result, this arrangement would not create a harsh or inappropriate entrance to the village. I also consider that the need to maintain both the height and appearance of this boundary treatment constitutes exceptional circumstances sufficient to justify a condition to remove 'permitted development rights' concerning the formation of additional or different boundary treatments. Similarly, when viewed from further north the developer has sought to create soft boundaries along the scheme's northern side, that again could be maintained by the condition removing 'permitted development rights'.
10. The outlook from the houses on the opposite side of Bisley Road would change because of this development. However, that, of itself, is not a reason to say the effect on the character and appearance of the area when viewed from those properties would be unacceptable.
11. Looking from Water Lane to the east of the site, the existing properties on the western side of Bisley Road are already visible, albeit to a limited degree because of the intervening planting. As such, although going beyond the settlement boundary, the proposal would again not appear to be outside of the visual extent of the existing built envelope of Oakridge Lynch. From here the proposed houses and the associated residential curtilages would be separated from that road by a meadow (which is in the appeal site) and a paddock adjacent (which is outside of the site). There is also an element of hedging along the carriageway edge, while again rear boundaries would be of an arrangement and form that was visually subdued. As a result, these factors would mitigate the effects of the scheme when seen from that road.
12. From the rear gardens and elevations of The Crescent the awareness of the existing housing along Water Lane and Bisley Road is less apparent as they are to either side, and so the scheme would be more appreciable as an encroachment of built form into the countryside. Seen from the lane to the north, which runs between Bisley Road and Water Lane, the proposal would be set against the housing of the village and so would not be unduly dominant, while the large gardens, the boundary details, and the retention of the open paddock between the housing and Water Lane would all contribute to softening the settlement edge when compared to what is there now.
13. A Public Right of Way crosses from Water Lane to Bisley Road, immediately to the north of the development, and, based on what I saw on my visit, this appears to be well used. The proposal would abut roughly half of the south side of this route. Whilst there would be some impact on its enjoyment and ambience, this is a relatively short footpath between the 2 roads and there is already an awareness of

The Crescent development to the south. With control over fencing and the unaffected views to the north, the proposal before me would not give rise to undue harm when on this path or detract unacceptably from its enjoyment.

14. Although the density is relatively low, I consider that allows a soft integration into the surrounding countryside and relates well to the apparent densities on the opposite side of Bisley Road. Although a greater density of development could be achieved on the site, the low density now before me is justified by its context and so is not unacceptable in this location.
15. Overall, I consider the development would integrate well with its surroundings on the edge of this rural settlement, and so, in this regard, would not conflict with Policy CP8. However, mindful of the reasons behind Policy CP15 and its desire to restrict development outside settlement development limits, I accept that building on this field would reduce the quality of the countryside, in conflict with that policy, as it would be changing a paddock to a small housing estate. For the reasons given though I consider the harm arising from any such conflict would be limited.
16. There is a range of layouts for housing development throughout the settlement, reflecting its incremental growth over the years. Given this, in my judgement there is nothing inherently discordant about siting the houses around the curved cul-de-sac as is now before me. I was told the scheme would increase the size of the village by some 7.5%, but I see no reason why harm would necessarily follow from this or why it would mean the proposal would be overdevelopment.
17. The design of the houses is eclectic to a certain extent, mixing more traditional approaches with elements that have a contemporary twist. However, the village contains housing of a wide range of ages, styles and designs, many of which have been subsequently extended in various ways. As a result, if, in the interests of the appearance of the area, a condition is imposed to secure agreement of the materials, I consider the resultant dwellings need not be visually dominant or incongruous, whether viewed in the streetscape or seen over the surrounding fields. Similarly, having regard to the appearance of the locality and the dark skies, a condition could require the approval of external lighting.
18. Accordingly, I conclude the scheme would not conflict with Policies CP8, which requires an appropriate design and density that respects its surroundings. However, I find there would be conflict, albeit to a limited degree, with Policies CP14 and CP15, which require the protection of the natural environment in general and the quality of the countryside in particular.

Impact on the National Landscape

19. As the site is within the Cotswolds National Landscape (formerly called the Cotswolds Area of Outstanding Natural Beauty or AONB), the *National Planning Policy Framework* (the Framework) says that great weight should be given to conserving and enhancing landscape and scenic beauty of such areas. In the Local Plan, Policy ES7 says that within the National Landscape, priority will be given to the conservation and enhancement of the natural and scenic beauty of the landscape. It adds that proposals should conserve or enhance the special features and diversity of the different landscape character types found within the District, and priority will be given to the protection of the quality and diversity of the landscape character. However, while noting this policy and guidance, I have paid regard to my statutory duty (the duty) under *The Countryside and Rights of Way*

Act 2000, as amended by the *Levelling-up and Regeneration Act 2023*. In its current form this duty requires me to seek to further the purpose of conserving and enhancing the natural beauty of the area. It is of note that neither the duty, the Framework nor the policy prevent or prohibit all new development in such areas.

20. The special qualities and key components of the National Landscape include, among other things, the tranquillity of the area, extensive dark skies, and, on the high wold, distinctive settlements sitting in an expansive, open landscape with fields often bounded by dry stone walls. Although the land falls away into valleys to the south of the site, this side of the settlement, and the appeal site itself, are on the wold top, which comprises a plateau of relatively flat land extending northwards. This landscape forms part of the key components of the National Landscape, as it appears relatively open, with larger fields bounded by walling and hedges, and interspersed with occasional copses and small woodlands. The appeal site contributes positively to this landscape and scenic beauty at present because, being part of a paddock, it adds to the openness of the surroundings. However, as stated above, The Crescent adjacent creates a settlement edge of limited merit that integrates poorly into the wider countryside and abruptly terminates its sense of openness. Furthermore, the housing and roads reduce the sense of tranquillity and seclusion here. In this regard, the appeal site forms part of a transitional area between the settlement to the south and the quieter countryside to the north.
21. The proposal would result in a reduction in the open landscape to a limited degree as it would be replacing the paddock with housing. Balanced against this though, it would be next to existing housing. Moreover, the scheme's low density and its sensitive boundaries would temper its impact on openness to some extent, as it would provide a much softer, less abrupt interface between the village and the countryside, which already dramatically terminates longer southward views and so has an adverse effect on the National Landscape. In this regard, although creating change, the scheme would go some way to furthering the conservation and enhancement of the landscape character of the area, and preserving the status of this as a landscape of the highest quality.
22. Weighing these 2 aspects together, despite the mitigation and benefits, I find that there would be some slight harm at the lowest end of the scale to the National Landscape overall, and so in this regard it would conflict with the duty highlighted above, as well as the Framework and the policy.
23. The Framework and Policy ES7 say that major development should be refused in National Landscapes other than in exceptional circumstances. However, whether a development can or cannot be defined as 'major' in this context is for the decision-maker, based on an assessment of the case. Consequently, it does not appear to be reliant upon the more precise definitions found in the Framework's glossary. Taking into account its nature, scale and setting, and also the scale of its impact on the purposes for which the area has been designated, I have no basis to consider this to be a major development.
24. In coming to my view on this issue, I have noted that the Council's *Strategic Assessment of Land Availability* (2018) considered that a small 0.68ha portion of land adjoining The Crescent had some future potential for up to 13 houses. The justification for this appeared to be that there may be opportunity to improve the settlement edge. I have limited knowledge though about the thinking behind that

finding, and note it pre-dated the duty in its current strengthened form. Moreover, these conclusions in this document have not been reflected to date in the policies or allocations of the Review. As such, whilst the proposal appears to be following the direction of the *Strategic Assessment of Land Availability* in this regard, that does not lead me to different findings.

25. Accordingly I conclude the scheme would fail to conserve and enhance the natural beauty of the National Landscape, so be contrary to Local Plan Policy ES7, as well as guidance in the Framework and the duty laid down in statute.

Highway safety & the sustainability of the location

26. At the time of my visit I would describe the traffic flows on the various lanes to and around the village as light. Although I recognise I was there for a limited period, from the submissions and other matters before me I have no reason to consider that these flows increase to a material degree at other times.
27. Sight plays from the entrance to the site's cul-de-sac would be sufficient and, to protect highway safety, could be controlled by a condition. Visibility from the driveway to Plot 6 also would be satisfactory. Plots 1, 2, 7, 8 and 9 would have parking off the cul-de-sac itself rather than directly from Bisley Road, and again a condition could ensure the delivery and retention of this. Indeed, even if cars did in fact park on Bisley Road, the width of the carriageway and the good forward visibility mean it should not constitute an unacceptable highway hazard. Similarly this visibility, coupled with the apparent low traffic flows, means any encroachment for larger vehicles into the north-bound carriageway when leaving the site would not be likely to cause unacceptable conflicts.
28. The drive to Plot 6 would be within the 'Y' distance from the cul-de-sac junction, albeit some 46m away towards the furthest end, and so in this regard it would be contrary to advice in *Gloucestershire Manual for Streets*. Given the separation between the cul-de-sac entrance and this driveway, I consider that this arrangement would cause no driver confusion or conflict. I recognise too that the drive to Plot 6 would serve just a single dwelling and so any traffic flows in and out of the access would be extremely low, and the intended on-site arrangement means vehicles associated with that property would be parked well out of the sight line. As such, while I fully respect the position taken up by the County guidance, in this instance I have insufficient evidence to show what is before me would compromise highway safety.
29. The appellants have entered into a Unilateral Undertaking (dated July 2025) to pay for a Traffic Regulation Order to extend the 30mph speed limit². However, given the good forward visibility and the limited distance the speed limit would be moved, I am not satisfied this further measure is necessary to ensure the safe use of the access. Therefore, I have not afforded this Undertaking weight in my reasoning and it has not been a basis for reaching my decision.
30. Plans have been submitted with the Final Comments showing revised sweep paths for refuse vehicles within the site³. These, in my opinion, show that any over run across the pavements would not cause an undue hazard to pedestrians. Given the presence of larger vehicles would only be occasional, mindful there

² Although this Undertaking refers to the Traffic Regulation Order as concerning Holloway Road it is assumed it means Bisley Road

³ Although identified in the Final Comments as Plan 3219-s3-600L the plan itself is referenced 3219-s3-100L

would be limited traffic flows travelling at low speeds and noting the levels of inter-visibility, any conflict between those larger vehicles and private cars on the cul-de-sac would not compromise highway safety to an unsatisfactory degree. To my mind accepting these plans at this stage does not prejudice the position of any party.

31. Access to the village from the surrounding area tends to be along a network of lanes, some of which can include narrow sections, sharp bends, or junctions with restricted visibility. However, I consider them to be typical of the country lanes in rural England, and the additional flows resulting from this scheme would not have a residual cumulative effect on highway safety.
32. In terms of the sustainability of the location, Oakridge Lynch has a shop/post office, a public house, a primary school, a village hall and play space, with bus stops being near to the site. Whilst clearly not being as well served as larger towns, it nonetheless has a reasonable range of facilities. As such, it is defined as a 3rd Tier settlement in Local Plan Policy CP3. This policy aims to deliver new development in accordance with the settlement hierarchy, in order to reduce the need to travel and to promote sustainable communities. Although it seeks to focus housing on higher tier settlements, it nonetheless accepts those in Tier 3 can provide for lesser levels of development. To my mind this scheme, seeking permission for 9 houses, can be defined as a lesser level of development. While I recognise it would be contrary to other policies in the plan by reason of being outside of the settlement boundary, I consider this policy focusses far more on the relationship to service provision, which, to a great extent, is not subject to such boundaries.
33. A condition could ensure tactile paving at the site access to safeguard pedestrians who may wish to cross. Despite this, even if pavements were provided in front of the site they would be of limited value as there is a notable absence of them across the rest of the village. As a result, the existing residents already tend to walk around Oakridge Lynch on the carriageways of the lanes, and so any additional pedestrian activity arising from the development would not be harmful. In this regard the scheme would therefore not result in access to local facilities and public transport that was unsafe. Furthermore, the public right of way to the north of the site is not being lost. Rather, it is to be retained and could constitute a shorter route to some of the services that would reduce the need to walk along the roads. To facilitate and encourage this, it is reasonable to impose conditions requiring the footpath to be upgraded and to be accessible from within the development. The scheme would therefore not be in conflict with Local Plan Policy CP14, which seeks development in locations that are more accessible by public transport and other non-car modes, with safe, convenient and attractive access on foot and by cycle, and suitable connections with local facilities and public transport. Consequently, I consider the issues around the sustainability of the location are not sufficient to resist the development.
34. Accordingly, I conclude that the scheme would not have an unacceptable impact on highway safety, while the sustainability of the location is not sufficient to resist the development. As such, in this regard it would not conflict with Local Plan Policies CP3 and CP14, or Local Plan Policy CP13, which requires development not to be detrimental to highway safety with good access to services.

Natural environment

35. A *Preliminary Ecological Appraisal Report* (PEA) from 2023 (the 2023 PEA) was submitted by the appellants with the original application. This said that the site predominantly comprised grassland fields bound by drystone walls, scattered trees, and small bands of scrub. It anticipated these features will provide a range of habitats for local notable flora and fauna. As a result it was found to have value for bats, birds, amphibians and terrestrial mammals and so a number of enhancement recommendations were suggested. However, this PEA was out-of-date when the application was determined and appears to have been compiled before there was a '*fixed development proposal*' (para 5.1.3). Consequently, the Council considered it had not been shown that the scheme did not conflict with Local Plan Policy ES6 - a policy that requires all new development to conserve and enhance the natural environment.
36. As part of the appeal process an updated PEA (the 2025 PEA) has therefore been submitted. The Council was given opportunity to comment on this and say whether it allayed its concern, but provided no response, instead inviting me to make a judgement on its suitability. The nature, use and management of the site for horse grazing do not appear to have changed since the 2023 PEA. Furthermore, the 2025 PEA confirmed many of the findings of the earlier one, advising that the scheme would either not affect the habitats and/or the foraging areas of invertebrates, amphibians, reptiles, birds, bats and terrestrial mammals, or that any impact could be satisfactorily managed. As such, I consider it provides a valuable base to assess the ecological impact.
37. The Council's fifth Reason for Refusal specifically cited the insufficient information to allow an assessment of Great Crested Newts. The 2025 PEA investigated this further, and, despite the Council contending otherwise at application stage, it noted that there were no ponds for Great Crested Newts within 250m of the site. Although greater distances have occurred, this is generally considered to be their upper dispersal limit. It therefore concluded they were '*not anticipated to be present on site*' and so they can be '*reasonably discounted*'. I have no basis to consider otherwise.
38. It advised too that the scheme would include mitigation and habitat enhancement. To deliver this in the interests of biodiversity, conditions could ensure compliance with the Mitigation Recommendations in the 2025 PEA and the agreement of external lighting. I therefore consider it has now been demonstrated that the scheme does not conflict with Local Plan Policy ES6 in this regard.
39. In coming to this view, I realise that the survey informing the 2025 PEA was undertaken in January. However, given the species examined, and mindful of the earlier, though now out-dated, findings in the 2023 PEA, undertaking the inspection at that time of year does not undermine its findings unacceptably.
40. Local residents reported a barn owl and other wildlife in and around the site. This though is to be expected on land such as this in the countryside, and it does not necessarily follow that the development would give rise to an unacceptable adverse effect on wildlife as a consequence.
41. The site is roughly 6.2km from the Cotswolds Beechwoods SAC (Special Area of Conservation), and so is well within its zone of influence. This comprises one of the most westerly extensive blocks of *Asperulo-Fagetum* beech forests, which are

floristically rich compared to other similar sites, and these qualifying features are vulnerable to pressure from visitors. This SAC could well be an attractive place of recreation for occupiers of this scheme. Consequently, a likely significant effect on the integrity of that SAC, whether alone or in combination with other plans and projects, could well arise from the development due to increased visitor pressure.

42. To address this a second Unilateral Undertaking (dated January 2025) includes a financial contribution to fund the management and control of visitors in the interests of the habitats this SAC provides. I have no basis to conclude the financial contribution offered would not be appropriate to ensure suitable mitigation. Although being unilateral in nature, I consider it reasonable to assume the Council would then use the money from the Undertaking responsibly for the purpose it was given. I therefore consider this Undertaking would comply with the requirements of Regulation 122 in the *Community Infrastructure Levy Regulations 2010* (the Regulations) and Local Plan Policy ES6, which seeks to safeguard and protect such areas.
43. The site is also some 5km from the Rodborough Common SAC, which is designated for its grassland habitat, being the most extensive area of semi-natural dry grassland surviving in this part of the Cotswolds. However the proposal lies outside of that SAC's zone of influence, and, indeed, in its response to the planning application, Natural England made no comment on the relationship between the two. Therefore I have no basis to find harm would be caused by the scheme to the integrity of the Rodborough Common SAC, whether alone or in combination with other plans and projects. As a result, I do not attach weight to the mitigation of effects on that SAC offered by the appellants in their Unilateral Undertaking, and its presence in the Undertaking has not been a reason for me reaching my decision.
44. I therefore conclude that the scheme would not fail to conserve the ecology of the locality, or affect the integrity of the Rodborough Common SAC. I also conclude that when considered in combination with other plans and projects, the development would adversely affect the integrity of the Cotswolds Beechwoods SAC, but this would be suitably mitigated by the measures secured under the submitted Unilateral Undertaking. As such, the scheme would not conflict with Local Plan Policy ES6, or the Framework, which seek to conserve the natural environment and protect the SACs from adverse effects on their integrity.

Other matters

45. The development would have due regard to the living conditions of houses in The Crescent. While some dwellings opposite the site on Bisley Road would face the cul-de-sac entrance and the houses to either side, the distances involved mean that, of itself, should not give rise to unsatisfactory living conditions at those properties.
46. The scheme would provide 3 affordable units. I was told this was a policy compliant provision and is to be secured through the legal agreement of January 2025 that, in this regard, I consider accords with the Regulations.

Planning balance

47. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* says development should be in accordance with the development plan unless material

considerations indicate otherwise. Therefore, whilst the primacy of the development plan remains and its status is unaffected, clearly there is the possibility of instances arising where a scheme is allowed despite development plan conflict. To assess that requires a judgement by the decision-maker based on the relative weights they afford relevant considerations.

48. To make this judgement the Framework is a key material consideration. In paragraph 11d) it states that where the policies which are most important for determining the proposal are out-of-date (including situations where the local planning authority cannot demonstrate a necessary housing land supply) permission should be granted unless (i) the application of policies in the Framework provides a strong reason for refusal or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
49. In terms of the material considerations to weigh in favour of the scheme, the Council has accepted that its housing land supply is now 3.24 years, which is a significant shortfall compared to the required figure of 5 years found in the Framework. Therefore, mindful of the delays in establishing an updated development plan context through the Review, I consider these 9 additional dwellings would make a small, but valued contribution to the delivery of housing in the District, and so afford their provision significant weight. Moreover, providing affordable housing also constitutes a benefit to which significant weight is attached. Whilst I have little detail concerning the need for such housing in the District, I am mindful that any requirements are not a ceiling and further supply can be beneficial. Indeed, even if there is no specific demand for these open market and affordable houses arising from within the village, they are nonetheless contributing to the District-wide need. The appellants have also highlighted economic and environmental benefits from the scheme, and these I afford limited weight.
50. Turning to the adverse effects of the proposal, in my reasoning above I have found policy conflict would be caused by the harm to the spatial strategy, to the character and appearance of the area, and to the National Landscape. I have attached great weight to the conservation of the National Landscape, though I am mindful that the contribution this effect makes to the planning balance is affected by the extent of that harm being so limited. With regard to the spatial strategy and the building in the countryside, I consider Local Plan Policies CP2 and CP15 to be among the most important for determining the proposal. However, given the housing land supply shortfall and the need to find additional sites, I consider these policies to be out-of-date and so this reduces the weight I afford to any conflict.
51. One of the policies in the Framework cited by paragraph 11d)(i) is that concerning National Landscape. However, even though I have afforded great weight to the harm to this designation, given its limited nature it means I do not see this to constitute a '*strong*' reason for refusal. As a result, the scheme should be assessed against paragraph 11d)(ii). To my mind, the areas of harm I have identified, even when taken together, do not significantly and demonstrably outweigh the benefits of additional open market and affordable housing.

Conditions

52. I have discussed above the reasons for imposing a number of conditions. Of the remainder suggested by the parties, the standard time limit and the need to accord with plans should be imposed for the avoidance of doubt.
53. In the interests of the appearance of the locality there should be agreement of tree protection methods and relative ground levels, while boundary treatments should be installed and the agreed planting implemented and maintained.
54. Having regard to highway safety and sustainability, there should be agreement of a construction management plan and the maintenance strategy for the cul-de-sac, while parking, cycle storage and access should be provided.
55. Reasons of ecology justify the agreement of a Habitat Management and Monitoring Plan and an Ecological Enhancement Plan. Finally, to ensure the site is adequately drained, such details need to be submitted and agreed.
56. However, given the arrangement of the properties, I am not satisfied that the probability of occupiers subsequently installing doors or windows, or any adverse effects that would result if they did, justify a condition being imposed to prevent this occurring. Moreover, as the details are being approved there is no need for a condition to restrict the height of the buildings.
57. A number of the conditions require actions before development commences. I am satisfied that these are needed to direct the manner in which the development is implemented and so such controls are justified.

Conclusion

58. For the reasons given I conclude the appeal should be allowed

JP Sargent

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise approved under the conditions below, the development shall be in accordance with the following plans:
 - 3219-S3-001C; -002C; -100F (Type A Proposed Plans dated 03.04.24); -100L (Preliminary Proposed Site Plan dated Jan 25); -110F; -200E; -210D; -210E; -300D; -400E; -500C; -510B; -600K; -700E; -800B;
 - 1365-TCP-001-A; 2211-CWS-XX-GF-DR-L-1001 P02; &
 - Drainage plan Number 1A;

CONSTRUCTION

- 3) Prior to the commencement of the development details of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall comprise:
 - a) Parking of vehicles of site operatives and visitors (including measures taken to ensure safe access and movement for existing occupiers of neighbouring properties during construction);
 - b) Advisory routes for construction traffic;
 - c) Any temporary access to the site;
 - d) Locations for loading / unloading / storage of plant, waste and construction materials;
 - e) The method of preventing mud and dust being carried onto the highway;
 - f) Arrangements for turning vehicles;
 - g) Arrangements to receive abnormal loads or unusually large vehicles;
 - h) A Highway Condition survey; and
 - i) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The approved plan shall be adhered to throughout the construction period.

BUILDING DETAILS

- 4) Prior to the commencement of the development, details of the existing ground levels, and the proposed finished floor levels of the dwellings, relative to an adjacent existing dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.
- 5) No development above ground level shall take place until details and/or samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details / samples.

ACCESS

- 6) No dwelling shall be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed in accordance with the approved plans.
- 7) No dwelling shall be occupied until sight splays of 2.4m by 59m (to the north) and 2.4m by 55m (to the south) have been provided at the junction of the cul-de-sac with Bisley Road. These splays shall thereafter be retained and shall, at all times, be kept clear of any obstruction greater than 0.6m in height (when measured from the height of the adjacent carriageway).
- 8) No dwelling shall be occupied until sheltered, secure and accessible bicycle parking for 2 bicycles has been provided for sole use by its residents in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. This bicycle parking shall thereafter be kept available for this purpose.
- 9) No dwelling shall be occupied until its vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing 3219-S3-100L (Preliminary Proposed Site Plan dated Jan 25), and those facilities shall thereafter be kept available for this purpose.
- 10) No dwelling shall be occupied until details of the arrangements for future management and maintenance of the proposed carriageway within the development have been submitted to and approved in writing by the Local Planning Authority. The carriageway shall thereafter be maintained in accordance with the approved management and maintenance details.
- 11) Prior to the formation of the access, and notwithstanding any details already submitted, details shall be submitted to and approved in writing by the Local Planning Authority of the location and design of a dropped crossing with tactile paving at the junction of the proposed cul-de-sac with Bisley Road, and no dwelling shall be occupied until that dropped crossing has been provided in accordance with those details, and those facilities shall be thereafter retained.
- 12) Prior to the first occupation of the development, the public right of way to the north of the site shall be resurfaced, and the link from that public right of way into the development shall be provided, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The link between that public right of way and the cul-de-sac hereby approved shall thereafter be retained.

LANDSCAPING

- 13) No dwelling shall be occupied until the boundary treatments around its curtilage have been formed in accordance with the approved details, and those boundaries shall thereafter be retained.
- 14) Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* (or any order revoking and re-enacting that Order with or without modification) no gates, fences or walls other than those hereby approved shall be erected within the curtilage of any dwellinghouse.

- 15) Prior to the commencement of the development, tree protection measures of any tree to be retained shall be undertaken in accordance with the details specified in the Arboricultural Impact Assessment by Seed dated 24th July 2022. The approved tree protection measures shall remain in place until the completion of development. No excavations, alterations in soil levels, storage (of materials, soil, equipment, fuel, machinery or plant), site compounds, latrines, vehicle parking and delivery areas, fires or any other activities liable to be harmful to trees shall take place within any area of fenced protection.
- 16) All planting shall be carried out in accordance with the approved details (2211-CWS-XX-GF-DR-L-1001 P02) in the first planting season following the completion of the development or its first occupation, whichever is the sooner. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of 5 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.

DRAINAGE

- 17) Prior to commencement of the development details of a drainage scheme for the disposal of foul sewerage shall be submitted to and approved in writing by the Local Planning Authority, together with a timetable for its implementation. The scheme shall be implemented in accordance with the approved details and timetable.

ECOLOGY

- 18) Prior to the commencement of the development, a Habitat Management and Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority. The Habitat Management and Monitoring Plan shall comprise:
 - a) A non-technical summary;
 - b) The roles and responsibilities of the people or organisation(s) delivering the Habitat Management and Monitoring Plan;
 - c) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the submitted *Biodiversity Net Gain Assessment*;
 - d) The management measures to maintain habitat for a period of 30 years from implementation of individual habitat types or phases;
 - e) The monitoring methodology and frequency in respect of the created or enhanced habitat; and
 - f) A timetable for the implementation of any work, or its phases,The created and/or enhanced habitat specified in the approved Habitat Management and Monitoring Plan shall take place in accordance with the approved implementation timetable and shall thereafter be maintained in accordance with that Plan.

- 19) Prior to the commencement of the development, an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall denote the specifications and locations of all biodiversity enhancements for fauna, including integrated bird and bat boxes within new structures, together with a timetable for their implementation. The enhancements shall then be installed in accordance with the approved details and timetable.
- 20) All works shall be carried out in accordance with the recommendations contained within the *Preliminary Ecological Appraisal* by Seed dated 21 January 2025.
- 21) Any external lighting shall be in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.