



Appeal Decision

Site visit made on 25 September 2025

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2025

Appeal Ref: APP/A1910/W/25/3365474

Land south of Nettleden Road and north of Potten End Hill, Great Gaddesden, Hemel Hempstead, Hertfordshire HP1 3BN

- 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 Taylor Wimpey and Barratt David Wilson (Joint Appellants) against the decision of Dacorum Borough Council.
 - The application Ref is 24/01239/MFA.
 - The development proposed is described as 'Change of use from agricultural land to Suitable Alternative Natural Green Space (SANG), together with a vehicular access, car park, paths, fencing and landscaping'.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from agricultural land to Suitable Alternative Natural Green Space (SANG), together with a vehicular access, car park, paths, fencing and landscaping at Land south of Nettleden Road and north of Potten End Hill, Great Gaddesden, Hemel Hempstead, Hertfordshire HP1 3BN, in accordance with the terms of the application, Ref: 24/01239/MFA, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal would conserve and enhance the Chiltern National Landscape;
 - The effect of the proposed development on biodiversity, with particular reference to Heizdin's Wood, which is an ancient wood, local wildlife site and irreplaceable habitat; and
 - The effect of the proposed development on the significance of designated heritage assets.

Reasons

Whether the proposal would conserve and enhance the Chiltern National Landscape

3. Understanding the special qualities of the Chilterns National Landscape assists in discharging the statutory duty to seek to further the purposes of conserving and

enhancing the natural beauty of the area¹. In this respect, The Management Plan² covering the Chilterns National Landscape outlines the significance of the area. This includes panoramic views of valleys and rolling fields as well as features including chalk grassland, hedgerows with trees, relative tranquillity and a high proportion of woodland. The Management Plan outlines several principles, which are developed through Policies DP1, DP2 and EP3 of the Management Plan. The former two policies seek to conserve the landscape, and the latter has a subservient aim to improve access with facilities provided at appropriate sites.

4. The appeal site encompasses sloping arable fields and Heizdin's Wood. The woodland crowns the top of a small ridge and mirrors a similar parcel of woodland to the north. These areas of woodland frame a largely undeveloped dry valley centred on Nettleden Road. There are impressive, elevated views along this tranquil valley from public footpaths, including the Chiltern Way, that cross the northern slopes of the appeal site. These views take in the Ashridge Estate, rolling arable fields, the grassed parkland at Gaddesden Place and riverside meadows. Nettleden Road also forms an historic approach to the Ashridge Estate, parts of which can also be seen in distant views from the appeal site.
5. The southern side of the appeal site addresses Potten End Hill. This has a slightly more intimate character due to thick roadside hedging and includes more built development scattered along the road. Elevated views are possible from this side of the appeal site, particularly in a south easterly direction where the rolling, hedged landscape of the River Gade valley can be experienced.
6. There is no dispute that the appeal site, and the contextual landscape in which it sits, exhibits many of the key characteristics of Landscape Character Area 122 – Nettleden Ridges and Valleys - as outlined in the Council's Landscape Character Assessment. These principally being the rolling topography, long views from ridge tops, sparsity of settlements, relic parkland, woodland copses, transport routes and hedges. It is also a point of agreement between the Council and appellant that the area is of high landscape value and has attributes that contribute positively to the significance and special qualities of the Chilterns National Landscape.
7. The appeal scheme, which would be delivered in two phases, would change the character of the appeal site away from arable farmland. The northern slopes would be sowed with a species rich grassland mix aimed at establishing chalk grassland where soil types allow. The southern side would become a mixture of grass and specimen trees to reflect the historic parkland that was once there and associated with Bingham Park. The eastern most part of the site would be wet grassland to replicate the meadows along the river. Parkland, chalk grassland and meadows are all distinctive features of the area. Indeed, the benefits to landscape character, visual amenity and biodiversity from these changes would be significant.
8. Nevertheless, the appeal scheme would involve a car park and fencing. Around 100m of existing hedgerow would be removed to facilitate an access from Potten End Hill into the car park. The car park would also be of a reasonable size and include an entrance feature to limit access at night-time and the size of vehicles during the day. The presence of cars, although intermittent, would add clutter. The car park would also be visible from various points, including elevated positions

¹ Section 85 of the Countryside and Rights of Way Act as amended by section 245 of the Level Up and Regeneration Act 2023

² Chilterns Area of Outstanding Natural Beauty Management Plan 2019-2024

- along public footpaths. Its presence would therefore harm the landscape as a built feature would be introduced into an otherwise rural landscape.
9. However, the car park would be surrounded by structural landscaping of some depth and texture. The roadside hedge would also be transplanted in the first instance or replanted as a last resort. As a result, the car park's impact on the character and visual amenity of the area would diminish greatly over time. In addition, the car park would have a rural informal character as it would be finished in crush stone and without white lines marking the spaces. Its siting on the lowest part of the site would also help to mitigate the effect in long distance views. Moreover, the facility would be near the sporadic housing along the lane which provides some built context. This reduces the effect on relative tranquillity. The presence of the car park could not be entirely hidden or mitigated, but moderating the impact in the way proposed would result in a limited adverse effect.
 10. The car park would inevitably increase vehicle activity in the immediate area. However, an analysis of traffic, which has not been disputed by the Local Highway Authority, confirms that only a small uplift in vehicle movements would occur. This is unlikely to be perceptible in the context of existing traffic flows along local roads, especially the apparently busy Leighton Buzzard Road. Moreover, in a wider context, some of the movements could be displaced from other sites deeper within the National Landscape. I therefore share the view of the appellant that the increase in traffic will not harm the landscape. Visitors to the site would likely engage in quiet recreation and therefore there would not be an adverse effect on the tranquillity of the landscape beyond the construction of the car park.
 11. As the SANG is intended to be used by dog walkers, who may wish to let their dog off the lead, it is necessary to fence the site with stock proof fencing comprised of wooden posts with weld mesh in-between. The fencing would be visually cluttering and result in some contrived subdivision of the fields. The latter would be particularly evident to the west of Heizdin Wood, where the perimeter fencing would cut across the field in an artificial way. An Article 4(2) Direction was served on the site to prevent subdivision, although this was principally aimed at stopping the creation of small plots in multiple ownership. Although the fencing would not be intensive, it would still ultimately be an adverse impact of the proposal.
 12. There are local examples of fencing near to the appeal site. It varies from an attractive feature, such as traditional parkland fencing, to more unsightly examples, such as plastic or heavy timber post and rail fencing. The latter two are by-products of equestrian activity along Nettleden Road. As such, fencing is not an alien feature in the landscape, and some of it is of poor quality and strident, but the presence of harmful features should not be used to justify more harm.
 13. However, in common with my assessment of the car park, it is necessary to evaluate the net effect of the fencing. In this respect, the appellants intend to combine the fencing with new hedge and tree planting. This would often follow historic field boundaries. Alternatively, the fencing would be positioned where existing hedging would provide screening as it is, or once it is gapped up. The precise design of the fencing could be secured by condition so that it is as light weight and visually permeable as possible. On this basis, the hedging, which would include trees along its route, would provide a significant softening effect, even in the short term. This would be subject to a landscape condition to ensure the planting is positioned to maximum effect, which could be on the outer face of

the fencing. Ultimately, the hedging would be the dominant feature in a few years. There is an existing example of this in the northeastern corner of the appeal site, where post and wire fencing is subtly subservient to planting.

14. Kissing gates would be required to provide access through the fencing but these are typical rural features. There is nothing before me to suggest the fencing could not be designed to allow permeability by small mammals such as hedgehogs.
15. Overall, there would be some moderate short-term harm arising from the fencing, but this would reduce quickly as the planting matures. Planting hedges would complement a key characteristic of the area, provide biodiversity enhancements and not appear out of place or significantly block views. The adverse effect of the fences would be negligible in the medium term.
16. Concerns have been expressed that fencing the site would give it the character of a discrete country park rather than a continuation of the surrounding open countryside. The excessive provision of interpretation boards, seating, way markers and mown paths could further reinforce this. However, for the reasons already given, the fencing would be quite subtle due to the associated planting and would follow existing features where possible. The plans detail infrequent use of benches and interpretation boards, and the mown paths need not appear strident, as evidenced by local examples at Northchurch Common for example. As a result, the appeal site would largely retain the character of open countryside following its change of use to a 'destination'.
17. Given the foregoing, it is apparent that the appeal scheme would include both positive and negative aspects. The negative aspects would be mitigated such that they would have only a limited adverse impact. That said, the creation of parkland, meadows and potentially chalk grassland, as well as the planting of around 1.9km of new hedges, some of which would restore historic field patterns, would be significant benefits. Overall, the proposal would result in a net benefit to the character and scenic beauty of the Chilterns National Landscape.
18. In coming to this view, I have carefully considered the representations of Natural England. Their comments state that the masterplan for the SANG has been informed by the relevant local Landscape Character Assessment and that the proposal would strengthen the landscape by re-creating historic parkland and field patterns. They conclude that the overall approach proposed appears commensurate with the statutory purpose of the National Landscape, which is to conserve and enhance the natural beauty of the landscape. I afford this view significant weight. The Chiltern Conservation Board have likewise opined that aspects of the proposal would enhance the landscape. I am also mindful that the proposal would improve access to the countryside. The appeal scheme would therefore adhere to Policies DP1, DP2 and EP3 of The Management Plan.
19. The National Planning Policy Framework (the 'Framework') states that major development in National Landscapes should be refused unless there are exceptional circumstances. The appeal scheme would be of a large scale, but its nature is essentially rural for the reasons outlined above. It would not have a significant adverse impact on the landscape or the purposes behind its designation. Thus, the 'exceptional circumstances' test does not apply.
20. In conclusion, the proposal's net effect would be an enhancement of the landscape. The landscape would therefore be conserved and enhanced. It follows that the

expectations set out in the enhanced statutory duty would be met. The proposal would therefore adhere to Policies CS24 and CS25 of the Dacorum Core Strategy (CS), which seek to conserve the special qualities of the National Landscape and landscape character more generally. By conserving and enhancing landscape and scenic beauty, the proposal would also adhere to saved Policy 97 of the Dacorum Borough Local Plan as well as Paragraph 189 of the Framework.

The effect of the proposed development on irreplaceable habitat

21. The Framework states that ancient woodland, such as Heizdin's Wood, is an irreplaceable habitat and therefore development which would result in its deterioration should be refused unless there are wholly exceptional reasons.
22. It is common ground between the Council and the appellant that recreational activity can harm ancient woodland as visitors can trample the woodland floor, leave litter, disturb wildlife and let their dogs off the lead. As there is a public footpath running through the woodland there is already the potential for low levels of recreational activity and some of this could be having an adverse effect on what is a fragile environment. During my site visit I observed informal paths through the woodland away from the public right of way and some erosion. As such, the question for this appeal is whether the appeal scheme would harmfully intensify this activity and thus result in a deterioration of the irreplaceable habitat.
23. The concept behind the appeal scheme is to draw visitors away from the Chiltern Beechwoods Special Area of Conservation and therefore the number of people visiting the appeal site would increase. It stands to reason that some of the visitors would enter the wood as it is a focal point at the top of the ridge with a natural draw. Thus, an intensification of recreational activity would likely occur.
24. The extent of intensification has not been quantified, but I share the view of the appellant that not every visitor will enter the woods as some may prefer the open areas in the proposed SANG which would afford very pleasant vistas over the rolling landscape. Those that would enter the woodland are probably likely to spend a short time walking through because there are no woodland clearances or picnic spots where visitors might linger. The nature of most visits would therefore be light touch due to the fleeting duration. As a result, it is unlikely the proposal would result in an intensification in harmful visitor activity. Substantive evidence is not before me that cycling through the site is an existing problem or would become so if the appeal were permitted.
25. In addition, the appellant has prepared measures to avoid any deterioration in the habitat from the increase in recreation. This includes signage to raise awareness of the wood's fragility and importance and what visitors can do to help preserve this, such as keeping dogs on a lead if moving through this part of the SANG. Furthermore, the wood would be excluded from the waymarked walking route around the site. Woodland buffer planting would be provided to protect the woodland edges and natural deadwood barriers installed along the footpath through the wood to discourage deviation away from this route. This would protect the Blubell Hyacinthoides and provide betterment over the current situation. The deadwood barriers would appear arranged and thus unnatural, but nor would they be built urbanising features such as formal edging.
26. Woodland management and monitoring would also occur to help restore its quality and structure. Moreover, the effects of the scheme need to be considered in the

context that intensive arable agriculture would no longer take place to the north and east of the wood, reducing the risk of chemical spray drift, eutrophication of the soils and fringe damage from root compaction and damage to branches.

27. The proposed SANG is intended to specifically draw dog walkers away from the Chiltern Beechwoods SAC. As a result, concerns have been expressed that free running dogs could harm the wood. This could be from trampling, disturbance and dog fouling. However, visitors would be advised through signage to keep dogs on their leads when in the woods. There is some suggestion that signage would be ignored, but it is nevertheless good practice advocated by the Forestry Commission. I have already explained that the route through would be marked by deadwood. Dog walkers are also more likely to let their dog off the lead in the open environment elsewhere within the proposed SANG where they can run freely and be observed. On balance, the scheme would not result in harmful trampling.
28. In respect of dog fouling, I share the view of the appellant that most dogs would defecate on the first part of the walk close to the car park. Indeed, for this reason the Forestry Commission in its guidance suggests bins are provided within a couple of hundred metres of the arrival point. The appellants have proposed this, with dog waste bins planned at the car park. On the flip side, sensible dog walking in woodland can deter antisocial activity, such as fly tipping and wildlife crime, through natural surveillance. Regular dog walkers may also establish an affinity for the area and wish to protect it.
29. Natural England have reviewed the likely effects of the scheme on the ancient woodland and have not objected. I afford this expert view significant weight. Hertfordshire Ecology have also not objected in principle. They did, however, suggest that permission should not be granted until the management of the woodland can be clarified and agreed. The appellant has provided an outline of this in its submissions and the detail can be secured by conditions. I am therefore satisfied there is sufficient information before me. I am also mindful that a SANG has been established nearby at Linslade Wood and there is no substantive evidence before me that this has resulted in a deterioration of the habitat.
30. In conclusion, the appeal scheme would not result in a deterioration of the ancient woodland subject to a package of mitigation and monitoring. Consequently, the appeal scheme would adhere to the requirements set out in Paragraph 184 of the Framework as outlined above.

The effect on the significance of designated heritage assets

31. Water End Conservation Area – The Conservation Area encompasses pockets of built development and water meadow spread out along the River Gade. It is set in the river valley and centred on a characterful curved bridge. The conservation area has historic significance derived from the cluster of period buildings. There is also aesthetic significance through the pleasant combination of vernacular buildings, meadows and the river all being set in a verdant valley. The rural setting of the conservation area is very important to how the significance is experienced. Part of the eastern end of the appeal site is in the Conservation Area. This area would be planted as wet wood and grassland to respond to the riverside character and the adjoining water meadows. That said, the car park would erode the rural setting of the conservation area. It would be screened by planting but a modest adverse

impact on the setting of the listed building would still occur. The harm would be at the lowest end of the less than substantial scale.

32. Moor Cottage, a Grade II* listed building – The listed building is a historic property located immediately east of the appeal site. Its historic and architectural significance is enhanced by the ability to experience this property in a rural agricultural setting. Indeed, there are views to and from the building across the appeal site. Altering the relevant part of the appeal site from arable fields to parkland would not harm the rural setting of this building. Indeed, it would be in keeping with the historic landscape as recorded on mid-19th Century mapping as set out in the appellant's heritage statement. That said, the construction of the car park, and the activity associated with it, would erode the rural setting, but only to a limited degree on account of the intervening distance and the proposed screening provided by new planting. Overall, there would be a modest adverse impact on the setting of the listed building at the lowest end of the less than substantial scale.
33. Gaddesden Place Grade II* listed building – This is an important building set within its own parkland in an elevated position with a planned view towards the appeal site. Its grandeur and presence in the countryside, along with its relationship with the surrounding rural landscape, are important aspects of its significance derived from its setting. Again, the introduction of meadows and the reinstatement of hedgerows and parkland would not harm the rural setting of this building. Instead, it would complement it. However, the car park, which would be visible in glimpsed views, would give be an urbanising intrusion, albeit to a small part of the building's extensive setting. Overall, there would be a modest adverse impact on the setting of the listed building at the lowest end of the less than substantial scale. For similar reasons the proposal would modestly harm the setting of Gaddesden Place Park, a non-designated heritage asset.
34. In coming to the findings above, I note that Historic England did not provide comments to the Council during its assessment of the application. However, in response to the appellant they indicated that the scheme would have a minor impact on Moor Cottage due to the proximity of the proposed car park. No comments were made regarding Gaddesden Place. Both the Council's Conservation Officer and the appellant's heritage consultant share the same conclusions in finding very low levels of harm to the designated assets listed above. The consensus of these experts, which is a matter to which I afford significant weight, informed my findings.
35. In accordance with Policy CS27 of the CS, the less than substantial harm identified to the designated heritage assets should be weighed against the public benefits of the scheme. In calibrating this balance, the Framework states that designated heritage assets are an irreplaceable resource that should be conserved for existing and future generations and that great weight should be given to an asset's conservation. It also states that the greater the significance of the asset, the greater the weight should be. In this case, the proposal would harm the significance of Grade II* listed buildings. Conservation means sustaining, and thus not harming, an assets significance. This is not an instruction to dismiss a proposal that would harm the significance of designated heritage assets, but it nevertheless provides a strong presumption in favour of preservation.
36. The proposal would result in a very low level of less than substantial harm to the significance of the conservation area and two Grade II* listed buildings. This matter

carries very great weight. This is synonymous with the considerable importance and weight that must be given to the statutory duty to pay special regard to the desirability of preserving a listed building or its setting³.

37. The appeal scheme would deliver a large area for recreation with walking routes and viewpoints. This would aid health, well-being and access to the countryside. In so doing, there would be a net benefit to the landscape and a considerable net gain to biodiversity in both habitat and hedgerow units. There would also be some modest economic benefits from establishing and managing the SANG. These are collectively important benefits.
38. Furthermore, the proposal could facilitate the delivery of many homes, which has hitherto been difficult in the absence of sufficient SANG capacity. This would help the Council to significantly boost the supply of housing with the social and economic benefits that would flow from this. It would also assist the Council in addressing the housing supply shortfall. However, other SANGs have been granted permission recently⁴ which would cater for a similar capacity, and I understand that the Council has developed a SANGs strategy as part of its emerging local plan to address the planned growth. Moreover, the proposed SANG is not linked to, or within walking distance of, any specific housing proposal or Hemel Hempstead more generally. In the absence of evidence to the contrary, these points temper the benefit. Nevertheless, the advantages of the scheme still carry weight of a high order.
39. Overall, the benefits would outweigh the less than substantial harm that would occur to designated heritage assets taken with the harm to the setting of Gaddesden Place Park. Accordingly, in this respect there would be no conflict with Policy CS27 of the CS or the Framework, as harm to the significance of a designated heritage asset would have clear and convincing justification.

Other Matters

40. Concerns have been raised that the appeal scheme could put additional recreational pressure on the Chiltern Beechwoods SAC⁵ because visitors to the appeal site may then walk to the SAC given the intervening footpaths. However, the purpose behind a SANG is to divert residents of new development away from the Beechwoods by providing a similar experience closer to their home. Individual residential schemes would have to be considered on their own merits to ascertain if that would be the case, but the advantageous location of the appeal site between Hemel Hempstead and the Beechwoods should divert new residents who may otherwise travel to the SAC from this town. The provision of SANGs, such as that proposed, is part of a strategic approach advocated and supported by Natural England. I also note that the Chiltern Conservation Board in their representations to the appeal have confirmed that they consider the proposal to be an appropriate SANG subject to conditions. I therefore find that the appeal scheme is not likely to have a significant effect on the integrity of the Beechwoods SAC alone or in combination with other plans and projects.
41. Similarly, concerns have been raised that the appeal scheme would place pressure on nearby Local Wildlife Sites, including Highpark Wood, Water End Meadows

³ See Sections 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

⁴ At Haresfoot Farm and Castle Hill

⁵ Which is also the Ashridge Commons and Woods Site of Special Scientific Interest

- (Great Gaddesden) and the nearby chalk stream. It is suggested that visitors to the SANG may extend their walk to take in these features in the landscape given the presence of connecting footpaths such as the Chilterns Way. However, the proposed SANG is intended to provide an alternative area for those that undertake regular recreation, such as dog walkers. The SANG would therefore provide a minimum 2.3km circular walking route around an attractive parcel of countryside. This would be a lengthy walk in itself, meaning regular visitors would not need to leave the SANG.
42. As such, it is unlikely many visitors to the SANG would walk further afield regularly. Indeed, Highpark Wood, for example, is a notable distance from the proposed car park. A walk there and back would be quite a long one. The route to it is also across a similar landscape to the SANG and would require the pedestrian to cross a road. That is not to say no one would walk from the car park at the appeal site to Highpark Wood, but the numbers would be low. The evidence before me does not demonstrate such a level of activity would result in a deterioration of the woodland. The other Local Wildlife Sites⁶ mentioned have limited public access and would be some distance from the car park. They would not suffer harm either.
 43. Ground nesting birds have been observed in the area⁷. These are species of principal importance under section 41 of the Natural Environment and Rural Communities Act. The Framework seeks to protect them. Allowing dogs to roam freely around the proposed SANG would likely result in the disturbance of ground nesting birds. However, the appellant has suggested that modern intensively cultivated arable land typically supports low levels of ground nesting birds due to contemporary cropping regimes and because it provides poor forage. I have no reason to disagree. Alternatively open grassland is a better habitat, especially for foraging. Therefore, it is unlikely that there are many ground nesting birds using the appeal site at present and the appeal scheme would provide a habitat enhancement. This would likely increase the carrying capacity of the relevant species even when accounting for disturbance from dogs.
 44. On balance, I am satisfied there would be no net harm to protected species. In coming to this view, I note there is consensus between the appellant's Ecologist and Hertfordshire Ecology, in that the latter has not raised an objection. In so doing they would have considered whether the Preliminary Ecological Assessment was undertaken at an appropriate time of year. In this respect, the appellant's Ecologist has the qualifications (from the Botanical Society of Britain and Ireland) which assisted them when surveying the site for woodland botanical species.
 45. When having regard to my statutory duties⁸, the Heritage Setting Assessment and the comments of both Historic England and the Council's Conservation Officer, I am satisfied the appeal scheme would preserve the setting of Ashridge Estate Grade II* registered park and garden as the rural character of the historic approach along Nettleden Road would be retained. The new grassed fields would still be sizable and allow for a sense of openness. Fencing would be visible in the backdrop of views across Nettleden Conservation Area, but I have already explained how this would be softened. The rural setting and significance of the Conservation Area would be preserved.

⁶ Brown's Spring and Hollybush Wood, Water End Moor, Water End Meadows and Birchley Wood and Stable Wood

⁷ Skylark, Yellow Wagtail, Grey Partridge, Yellowhammer and Corn Bunting

⁸ Sections 66(1) and 72(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

46. Moreover, Bingham's Park Grade II listed building, other listed buildings in the Water End Conservation Area and the Frithsden, Nettleden and Great Gaddesden Conservation Areas would be preserved with their significance unharmed. This is principally on account of the intervening distance and landscaping and because the proposal would retain the rural context in which these assets are experienced.
47. The SANG and the footpaths within it would be sufficiently distant from the nearest properties to ensure there would be no harmful loss of privacy. There would be an increase in activity, such as vehicle movements at the car park, but this would largely be during the day and would be experienced in the context of existing road noise. There would be no harm to living conditions.
48. The Local Highway Authority have considered the scheme, which was supported by a Transport Statement, and have not raised an objection subject to the imposition of conditions. Substantive evidence is not before me to justify taking an alternative view. Part of the appeal site is in the Green Belt, but the Council and appellant agree that the proposal would not amount to inappropriate development. I have no reason to disagree, especially as the part of the appeal site that is in the Green Belt would remain rural in character, thereby preserving openness and not conflicting with the purpose of including land in the Green Belt.
49. The proposal would also see a large area of best and most versatile agricultural land being taken out of production. Although this would be reversible in theory, the land would not be actively farmed 'in perpetuity' and transferred to the Land Trust. That said, the benefits of the proposal would outweigh this adverse impact when considered in isolation or in combination with the other harms I have identified.
50. An interested party has indicated that part of the site is on land in their ownership and therefore the proposal cannot be implemented. The party is aware of the application and appeal and provided comments. If their concerns regarding ownership are accurate, then this would be a civil matter which cannot be resolved within the scope of this appeal. The appeal scheme is not aimed at intensifying the use of existing public rights of way leading out of the site. Instead, it seeks to provide a new walking route around the appeal site. As such, harmful intensification of established footpaths would not be inevitable or likely.
51. The SANG is unlikely to be accessible to all due to the absence of hardened paths and on account of the kissing gates. However, a balance needs to be struck given the character of the landscape and because the SANG is aimed at catering for recreational walkers, especially those with dogs.

Planning Obligation and Conditions

52. A planning obligation in the form of a unilateral undertaking has been submitted pursuant to s106 of the Town and Country Planning Act. The document has been reviewed by the Council, and they have not raised any concerns with it. The obligation secures the SANG works, transfer to (or lease of the land by) the Land Trust, public access, management and maintenance, allocation of the SANG capacity and other miscellaneous provisions to ensure the land functions as a SANG. The obligation also secures a woodland maintenance and management plan for the ancient woodland to include measures such as condition targets. As the change of use to a SANG and the management of ancient woodland are central to the acceptability of the scheme, the obligation is necessary to make the

development acceptable. It is also directly related to the development and fair and reasonable in scale and kind to its effects.

53. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council and reviewed by the appellant. In addition to the standard commencement conditions, it is necessary in the interests of precision and certainty for all parties to ensure the proposal is undertaken in accordance with the approved drawings. To ensure the protection of important habitat and species it is necessary to secure an updated SANG Delivery Framework Document. To protect highway safety, it is necessary to secure a Construction Management Plan prior to the commencement of the car park and a safe and suitable highway access prior to the first use of the site. In the interests of unknown archaeology, it is necessary to secure a scheme of investigation. In the interests of health, a scheme to assess and remediate potential land contamination is necessary.
54. To protect trees within and around the site, an Arboricultural Method Statement and Tree Protection Plan is necessary. In the interests of conserving the landscape and enhancing biodiversity, it is necessary to submit a precise landscaping scheme, a Biodiversity Gain Plan securing biodiversity net gain and details of fencing. To manage flood risk and protect a source protection zone, it is necessary to secure a surface water drainage scheme and its subsequent management.
55. To protect Heizdin's Wood, it is necessary to secure brash/deadwood borders to the existing footpaths. To safeguard residential amenity and reduce the risk of antisocial behaviour, it is necessary to prevent the use of the car park between sunset and sunrise and for a height barrier to be installed. Given the importance of public access as a public benefit, it is necessary to secure this. The committee report confirms that the dimensions of the car park are acceptable but further details are required in relation to cycle and disabled parking. I have therefore amended suggested Condition 9 to reflect this.
56. Pre commencement conditions have been imposed because the matters required to be approved at this stage affect the design and/or layout of the proposal or seeks to mitigate impacts arising during the construction phase.

Conclusion

57. The proposed development would harm the setting of designated and non-designated heritage assets. Agricultural land would also be taken out of production. However, these harms would be outweighed by the public benefits of the scheme including enhancements to the landscape and biodiversity. As such, the proposal would adhere to the development plan taken as a whole and there are no material considerations of sufficient force to outweigh this finding. Accordingly, when having regard to all matters raised, the appeal is allowed.

Graham Chamberlain,
INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:
 - CSA/6878/101 (Rev. D) Red Line Site Location Plan
 - CSA/6878/116 (Rev. B) SANG Landscape Strategy
 - SANG Delivery Framework Document by CSA Environmental (Report No: CSA/6878/06) Transport Statement by Charles Associates (ref. 16-021-040 Rev A)
 - Arboricultural Impact Assessment by Barton Hyett Associates
 - Design & Access Statement by CSA
 - Environmental Preliminary Ecological Appraisal by CSA Environmental (Report No: CSA/6878/04)
 - Flood Risk Assessment by Charles Associates (ref. 16-021-041 Rev B)
 - Heritage Setting Assessment by CSA Environmental (Report No: CSA/6878/03)
3. Notwithstanding the SANG Delivery Framework Document, an updated document shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. It shall clearly explain any relationship with management associated with the delivery of a biodiversity net gain, confirmation of the future management of woodland on the site and also ensure it contains all the suggested avoidance, mitigation and enhancement measures suggested in the Preliminary Ecological Appraisal, for habitats and species. Development shall be carried out in accordance with the approved particulars and fully provided prior to first use of the site.
4. No development of the car park shall commence until a Construction Management Plan / Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of: (a) Construction vehicle numbers, type, routing; (b) Access arrangements to the site; (c). Traffic management requirements; (d). Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); (e). Siting and details of wheel washing facilities; (f). Cleaning of site entrances, site tracks and the adjacent public highway; (g). Timing of construction activities (including delivery times and removal of waste).
5. No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and: (a) The programme and methodology of site investigation and recording. (b) The programme for post investigation assessment. (c) Provision to be made for analysis of the site investigation and recording. (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation. (e) Provision to be made for archive deposition of the analysis and records of the site investigation. (f)

Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

6. Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 5. The development shall not be brought into first use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 5 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
7. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes: (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and; (ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until: (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme. (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
8. Any contamination, other than that reported by virtue of Condition 7 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.
9. No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority to illustrate the quantum and location of the following: - Disabled / accessible vehicle parking spaces; - On-site cycle parking. The development shall be carried out in accordance with the

approved details prior to the first use of the development hereby approved. All parking shall be retained for its approved purpose and maintained in a good condition for the lifetime of the development.

10. Prior to the commencement of development hereby approved, an Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how the tree shown for retention on plan no. CSA/6878/116 Rev B shall be protected during the construction process, shall be submitted to and approved by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The tree protection measures must be implemented prior to the commencement of the development, the works must then be carried out according to the approved details and thereafter retained until completion of the development.
11. No development (other than groundworks) shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: - All external hard surfaces within the site; - Other surfacing materials; - Means of enclosure; - Soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; - Minor artefacts and structures (e.g. benches, way marking signs, information boards, bins etc.).

The development shall be carried out in accordance with the approved details and thereafter maintained for the lifetime of the development.

The planting must be carried out within one planting season of completing the development. Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

12. Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of source control Sustainable Drainage Systems (SuDS) in consideration of the National Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability including supporting calculations for the 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical storms. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall be supported by the following: i. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration feature/s. ii. Continuous groundwater level monitoring to be carried out to determine the seasonally high maximum groundwater level on the site. iii. If infiltration is not viable then another drainage discharge location for disposal of runoff shall be proposed, following the SuDS hierarchy.

13. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include: i. a timetable for its implementation. ii. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located. iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.
14. Prior to the first use of the development hereby permitted, the proposed access and any other necessary highway works, on-site hardstanding and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.
15. Prior to the first use of the development hereby approved, brash/deadwood borders to the footpaths within the ancient woodland known as Heizdin's Wood shall be laid out, to encourage users to stay on paths, particularly where close to notable ground flora areas and close to badger setts.

Prior to the first use of the development hereby approved, signage the contents of which has first been submitted to and approved in writing by the local planning authority shall be erected at the three footpath access routes through the ancient woodland known as Heizdin's Wood, informing the SANG users and wider public of the ecological interests and sensitivities of the woodland, including guidance on staying on paths to protect woodland flora and fauna.

16. There shall be no use of the SANG car park between sunset and sunrise (as set out by the Met Office). During these hours the gate / barrier(s) to the site shall be permanently locked, and details of its operation are to be submitted to and approved in writing by the local planning authority prior to the car park being first brought into use.
17. Prior to the first use of the development hereby approved, full details of the 'height restriction barrier with low level steel gate' shown on drawing no. CSA/6878/116 Rev B shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first use of the development and thereafter retained for the lifetime of the development.
18. The SANG shall be permanently open to members of the public 7 days per week, 365 days a year for no charge.
19. Notwithstanding the details submitted, prior to first use of the development hereby approved, full details of the stock proof fencing shown on drawing no. CSA/6878/116 Rev. B shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently be carried out in

accordance with the approved particulars, be in place prior to first use of the development hereby approved and permanently retained and maintained thereafter.

20. The development granted by this notice must not begin unless a Biodiversity Gain Plan has been submitted to and approved in writing by the planning authority. The development shall thereafter be carried out in accordance with the approved Plan.

End of Schedule