The Planning Inspectorate

Appeal Decision

Site visit made on 1 August 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th September 2023

Appeal Ref: APP/C1435/W/22/3306792
Land east of Sandy Cross Lane, Heathfield
Ordnance Survey Grid Reference 559149:120195

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Clifton Homes (SW) Ltd against the decision of Wealden District Council.
- The application Ref WD/2021/1606/O, dated 14 June 2021, was refused by notice dated 25 March 2022.
- The development proposed is described as 'Outline planning application with all matters reserved bar access, for the erection of up to 8 self-build/custom housebuilding dwellings and ancillary works'.

Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 8 self-build/custom housebuilding dwellings and ancillary works at Land east of Sandy Cross Lane, Heathfield, Ordnance Survey Grid Reference 559149:120195 in accordance with the terms of the application, Ref WD/2021/1606/O, dated 14 June 2021, and the plans submitted with it, subject to the conditions in the schedule below.

Preliminary Matters

2. In the banner heading and decision above, I have used the site address as given on the application form. The application form also provided a further description, identifying the site as a triangular parcel of land to the south of Parkside Community Primary School between Sandy Cross Lane and Park Road.

3. The application was in outline, with details of access only. The scale, appearance, layout and landscaping of the proposed development are reserved matters. I have had regard to the detailed arrangements for vehicular access shown on drawing no 194853-A-01. However, the Proposed Site Plan (drawing no 13147/002 Rev F) and Street Elevations (drawing no 13147/SE1, Rev A) are labelled as being indicative and I have treated them on that basis. I have referred to the amended versions of both the above drawings, which were submitted to the Council prior to determination of the application, omitting a previously proposed footpath link to Park Road.

4. A planning obligation under Section 106 of the Town and Country Planning Act 1990 was provided with the appeal. The Deed is dated 10 March 2023 and has been signed by the Council, the appellant and other relevant parties. I have had regard to this completed planning obligation when considering the appeal.

Main Issues

5. Although there was a single reason for refusal, it raised several main issues, as follows:

   - the effect of the proposal on the character and appearance of the area, having particular regard to any effect on the setting of the High Weald Area of Outstanding Natural Beauty (AONB),
   - whether the site would provide a suitable location for housing, having regard to its accessibility to services and facilities,
   - whether Sandy Cross Lane would provide safe and suitable vehicular access to the proposed dwellings, and
   - the effect on biodiversity with particular regard to habitat connectivity.

Reasons

Character and Appearance

6. The appeal site is a roughly triangular parcel of undeveloped land between Sandy Cross Lane and Park Road, just outside the settlement of Heathfield. To the north is a primary school and housing within the settlement boundary. On the other side of Park Road is an area of woodland and parkland known as Heathfield Park, which is a Grade II Registered Park and Garden.

7. Despite the site's proximity to Heathfield, it is in decidedly rural surroundings. Narrow rural lanes and small open fields are enclosed by generous hedgerows and woodland. Ancient field boundaries and areas of ancient woodland contribute to the landscape's intimate, wooded character. Heathfield Park is more open, being historic parkland, but includes wooded areas behind the boundary wall along Park Road.

8. The AONB includes land adjacent to the site, most directly to the south and east. Its significance includes an abundance of interconnected woodland and hedgerows, small fields and narrow lanes, including historic routeways enclosed by roadside vegetation. Parkland style planting, such as at Heathfield Park, is also a characteristic feature.

9. Although it lies outside the AONB, the site shares these landscape characteristics, comprising two small, linked areas of grassland, surrounded by a dense perimeter hedgerow and mature trees. Both Sandy Cross Lane and Park Road are historic routeways, identified in the Council's statement as being vulnerable to landscape harm. However, there are existing dwellings in large wooded plots along Sandy Cross Lane, opposite the appeal site and the amount of visible built development gradually increases along this approach into Heathfield. Therefore, although the character and appearance of the site relates strongly to the rural landscape, it is not entirely detached from the established settlement pattern.

10. The introduction of additional dwellings, with associated highway engineering works and domestic paraphernalia, would erode the rural characteristics of the site. The existing vegetation would be reduced, notably along the field boundary through the site. There would also be some loss of existing roadside vegetation along Sandy Cross Lane, to provide visibility splays. Consequently,

the site would be more visually exposed than it is at present and the proposal would increase the presence of built development within the rural landscape.

11. For these reasons, I find that there would be harm to the character and appearance of the surrounding rural area and its existing landscape characteristics. However, given the intimate and enclosed character of the landscape, there are few long-range views, so the effect on landscape character would be at a localised level. The proposed housing density would be low, at eight dwellings to the hectare and the indicative plans demonstrate that the dwellings could be accommodated within well planted boundaries. The mature trees along the northern boundary would be retained, continuing to screen the adjacent school and the more intensive built development beyond.

12. The access details state that hedgerow planting would be reinstated behind the visibility zones. Given that there are already residential accesses along this section of Sandy Cross Lane, the character of the roadside landscape would not be significantly undermined, once such planting was established. Uninterrupted roadside planting along Park Road could be secured through conditions and approval of the reserved matters.

13. Although the scale and appearance of the dwellings is a reserved matter, their proposed delivery as self-build properties is likely to ensure that they would not have a homogenous appearance. Furthermore, the detailed designs would be subject to approval at reserved matters stage, providing the opportunity to ensure that their design, scale and materiality is appropriate to the surroundings and that a suitably generous landscaping scheme is secured.

14. Subject to the above safeguards, and given that the AONB already adjoins existing residential development in Heathfield, the development would not materially compromise the designated landscape or its setting.

15. For the reasons given above, I conclude that there would be some harm to the character and appearance of the area. However, such harm would be at a localised level and the setting of the AONB would be conserved.

16. The harm to the character and appearance of the area would be contrary to policies EN12 and EN27 of the Wealden Local Plan 1998 (WLP) and Spatial Planning Objectives SPO1 and SPO13 of the Core Strategy[1] (CS). These policies, amongst other things, require that development respects the character of adjoining development and local distinctiveness and resist the loss of trees which make a valuable contribution to the character of the landscape.

17. The proposal would conflict with aspects of the Wealden Design Guide[2] (WDG), particularly sections which highlight the importance of retaining the District's network of trees, hedgerows and woodland and advise against development which erodes landscape character on the fringes of settlements. However, there would be an opportunity at the reserved matters stage to ensure that the scale, layout, landscaping and appearance of the dwellings otherwise responds positively to guidance in the WDG.

18. There would be no direct conflict with Policy EN6 of the WLP, which refers to development within the AONB, since the site is not within the AONB. Nor would

[1] Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan adopted February 2013
[2] Wealden Design Guide Supplementary Planning Document adopted 2008

the proposal conflict with relevant paragraphs of the National Planning Policy Framework (the Framework) that development within the setting of an AONB should be sensitively located and designed to avoid or minimise adverse impacts on the designated area, subject to appropriate design and landscaping details being secured through the reserved matters. There would likewise be no conflict with WLP Policy EN14, which relates to securing landscaping, since this would be addressed through the reserved matters.

Location and Accessibility to Services

19. Policies GD2 and DC17 of the WLP direct new housing development to land within defined development boundaries. The appeal site lies outside but adjacent to the development boundary of Heathfield. As such, despite its proximity to the settlement, it is regarded as a countryside location, where new housing is restricted by the development plan.

20. The Spatial Planning Objectives articulated in the CS include protection of the countryside and landscape (SPO1) and concentrating development in locations which reduce the need to travel (SPO7). WLP Policy EN1 also sets out a general commitment to pursuing sustainable development, including in relation to the location of development and its effect on the environment, having regard to the principles contained in Government guidance.

21. The Framework allows for housing in rural areas where it would enhance or maintain the vitality of rural communities. It also directs significant development towards locations where the need to travel can be limited, while recognising that opportunities to maximise sustainable travel solutions will vary between urban and rural areas.

22. Heathfield is defined as a service centre in the CS, meaning that the settlement is regarded by the Council as a 'sustainable location', with a range of jobs, services and facilities, serving predominantly nearby communities and the wider rural area but with accessibility to larger centres[3]. Although I have noted evidence that a few of the local services identified in the application no longer exist, I saw during my site visit that Heathfield continues to support a good range of services, including convenience shopping, education, employment and recreation facilities. The nearest bus stop is a convenient distance from the site and provides a reasonably regular daytime service to larger urban areas.

23. Given that the site adjoins neighbouring built development within the development boundary, it could not be described as isolated. However, many of the local services are focussed around the centre of Heathfield, somewhere in the order of 2km from the site. Furthermore, it has been put to me by the Council and interested parties that Sandy Cross Lane does not provide a conducive environment for walking or cycling.

24. Sandy Cross Lane is a narrow road, without pavements and with few passing places. The footpaths to Mulberry Way pass through woodland and are unlit, which would be likely to discourage their use by more vulnerable pedestrians, or in the dark or inclement weather. The somewhat undulating gradient could discourage some future occupiers from walking or cycling. The proposed vouchers for purchase of electric bicycles may help encourage cycling into Heathfield, but would only benefit the first occupier of each dwelling.

[3] As summarised in Officer Report.

25. Due to the narrow width of Sandy Cross Lane, a level of caution is required by all road users. Nevertheless, evidence has been provided by the appellant that the lane is in regular use by pedestrians. Several interested parties also refer to existing use of the lane by pedestrians, while raising concerns about potential safety issues. In principle, the Highways Authority comments that the lane is suitable for walking and cycling, while recognising that the lack of street lighting would deter its use during the hours of darkness. Surveyed vehicle speeds are relatively low, notwithstanding the unrestricted speed limit. While the speed surveys cover a relatively limited area, no substantive evidence has been provided that they are unrepresentative of general traffic conditions.

26. Taking all the above matters into consideration, while the site's location and the nature of Sandy Cross Lane means that many trips may be taken by car, there are alternative options available. These are likely to be used by at least some future occupiers some of the time. Even if future occupiers generally drive to local services, trips into Heathfield would be short. The development is not of a significant scale in terms of the number of proposed dwellings and therefore the overall increase in the need to travel would be relatively modest. While the proposed provision for electric vehicle charging would not reduce the need to travel, it would contribute to mitigating the associated carbon emissions.

27. Use of the local services in Heathfield by future occupiers would also make a limited but positive contribution to the vitality of this service centre, which is orientated towards the needs of the local community and the wider rural area.

28. Taking all the above factors into account, I conclude that the site would be a suitable location for housing, having regard to its accessibility to services and facilities. Although its location outside the development boundary would conflict with Policies GD2 and DC17 of the WLP, the good range of local services and the availability of alternatives to travel by car, mean that the proposal would not conflict with WLP Policy EN1 and CS Strategic Planning Objective SPO7 as summarised above. The proposal would also be consistent with relevant paragraphs in the Framework, which recognise that opportunities to maximise sustainable transport solutions vary between urban and rural areas and direct housing in rural areas towards locations which can maintain the vitality of rural communities.

Access Arrangements

29. The application includes details of the proposed vehicular access, including visibility splays and evidence that refuse vehicles can be accommodated. The Highways Authority did not express any concerns about the geometry of the access or the suitability of Sandy Cross Lane for vehicular access in principle. They furthermore commented that modelled traffic generation levels were based on appropriate methodology and that traffic generated by the proposal would not have a significant impact on the wider transport network.

30. I have noted comments raised by interested parties about vehicular use of the lane, including the effect of school traffic and anecdotal evidence of excess speed. However, based on the technical evidence before me and the advice from the Highways Authority, there is no convincing evidence that the proposed vehicular access or use of the lane would be unsafe. While access from Park Road may be preferred by some interested parties, that is not the proposal which is before me.

31. Based on the evidence before me, I conclude that Sandy Cross Lane would provide safe and suitable vehicular access to the proposed dwellings. As such, the proposal would not conflict with WLP Policy TR3, CS Strategic Planning Objective SPO12 or with relevant paragraphs in the Framework. These policies require, amongst other things, that proposed development does not create or perpetuate unacceptable traffic conditions and that safe and suitable means of access are provided.

Biodiversity

32. The application was supported by ecological evidence, which was updated in response to technical comments from the Council's internal biodiversity adviser. The updated evidence[4] sets out the findings of an extended phase 1 habitat survey and various protected species surveys. It includes a range of recommendations for safeguarding and enhancing habitat within the site, both during construction and in the longer term.

33. The reason for refusal focusses on the proposal's effect on habitat connectivity between ancient woodland and priority woodland habitat to either side of the site. The Council alleges that the proposed development would lead to further habitat fragmentation and eliminate opportunities for habitat creation and improved connectivity through the site.

34. Based on the ecological evidence, the site's existing habitat value is primarily focussed within the boundary hedgerows and existing trees and scrub. There is evidence of reptiles being present in the northern part of the site and that the hedgerows and trees have value for bat foraging and bird nesting. However, the grassland which forms the majority of the site is of limited habitat value.

35. The boundary hedgerows, trees and scrub provide linear connections around the perimeter of the site and therefore also provide connectivity between the nearby ancient woodland and other priority habitat outside the site boundaries. As outlined above, these linear connections would be largely retained and measures are proposed to enhance their value for foraging bats and nesting birds. A dedicated ecological enhancement area is proposed in the northern part of the site, where there is evidence that reptiles are present. Other proposed measures include replacement hedgerow planting along Sandy Cross Lane, plugging existing gaps and reinstating hedgerow behind the visibility zones, using ecologically appropriate species.

36. The appellant proposes that the above measures would be secured through conditions. Alongside the landscaping details which would be submitted as a reserved matters, I am satisfied that this would be an effective means to secure the required ecological safeguards and enhancements.

37. Given the above, the evidence indicates that existing features of the site which are important for habitat connectivity could be retained, managed and enhanced alongside the proposed dwellings. While the site may provide scope for a different form of habitat enhancement if kept in its current undeveloped state, that is not the proposal which is before me. There is also no evidence of any available mechanism to secure a different form of habitat creation, should this appeal be dismissed.

[4] Grassroots Ecology Ecological Impact Assessment, Ref 1304, February 2022

38. Other than the Council's concerns about habitat connectivity, I have not been presented with any evidence that the proposal would harm the adjacent ancient woodland. No increase in recreational access is indicated. The proposed dwellings would be clearly separated from the ancient woodland by Park Road, such that there is little risk of damage or erosion of the woodland edge. Nor is there any substantive evidence that the proposal would harm nearby designated sites, such as the Site of Special Scientific Interest at Heathfield Park.

39. For the above reasons, I conclude that the proposal would not be harmful to biodiversity with particular regard to habitat connectivity. As such, it would not conflict with WLP Policy EN14, CS Strategic Planning Objective SPO1 or Policy WCS12, or paragraphs in the Framework regarding protection and enhancement of biodiversity. These policies require, amongst other things, that existing habitats, biodiversity features and ecological networks are maintained, restored and enhanced and that landscaping measures have regard to nature conservation benefits.

40. In addition, there is no conflict with the Framework's specific provisions regarding irreplaceable habitats, since no loss or deterioration of ancient woodland is anticipated.

Other Matters

41. The Council did not allege any harm to the setting of the designated heritage asset at Heathfield Park. Having considered the development and visited the site, I concur that the appeal proposal would preserve the setting of the Registered Park and Garden and its significance as a designated heritage asset. This is subject to retention of roadside planting and approval of an appropriate landscaping scheme through the reserved matters, as outlined above.

42. The Council's Officer Report implied that the appeal site was within a 7km zone of influence of the Ashdown Forest Special Protection Area (SPA) and that consequently the development could affect the integrity of this Habitats Site. However, the Council has subsequently clarified that the site is some 13km from the SPA, as stated in the Ecological Impact Assessment. Given this update, there is no evidence before me that the proposed development would have likely significant effects on Habitats Sites, either alone or in combination with other proposed development. Therefore an appropriate assessment is not required.

43. No evidence has been presented of existing air quality issues or that this relatively modest development would have a materially adverse effect on air quality or other forms of pollution. The proposed approach to sustainable drainage, including attenuation of surface water, is set out in the application and would be secured by means of the conditions in the schedule below. Any adverse effects from the construction period would be short-term, even when the proposed delivery by means of self-build is taken into account. Disruption would be mitigated by appropriate construction management, in line with the conditions below.

44. There may be some limited additional demand for local services, but I have not been presented with any objective evidence that this cannot be accommodated or planned for. The existing tree belt along the boundary with the adjacent primary school would be retained, providing effective screening between the

proposed dwellings and the school grounds. Although school traffic may use Sandy Cross Lane, the site is distinctly separate from the main school entrance. There is no substantive evidence that the development would directly affect operation of the school or the safety of its staff and pupils.

45. Evidence has been provided that the application was advertised locally and the precise positioning of the site notice is not a matter for this appeal.

Planning Balance

46. The Council cannot currently demonstrate a five year supply of housing land. Evidence from both parties indicates that the housing supply based on April 2022 data stood at just under 4 years, based on a report published in December 2022. I have been provided with no updated or contrary evidence. As such, the evidence indicates that there is a material shortfall against the requirement for a five year supply as set out in the Framework.

47. By virtue of the shortfall in housing land supply, the development plan policies which are most important for determining the application are deemed to be out of date. As a result, the proposed development falls to be considered against Framework paragraph 11, which articulates a presumption in favour of sustainable development. This is a material change in circumstances since previous planning applications were refused, prior to the introduction of the Framework and the similar provisions of CS Policy WCS14.

48. While I have concluded that the proposed development would not be harmful in relation to the suitability of the location, safe and suitable vehicular access or habitat connectivity, I have identified harm to the character and appearance of the area. The relevant development plan policies in this respect are broadly consistent with the Framework, notably paragraph 130 which requires that developments are sympathetic to local character, including the surrounding landscape setting. I have identified that the harm in this regard would be localised, and that the setting of the AONB would be conserved. Nevertheless, I have given moderate weight to the harm to the character and appearance of the area and the consequent conflict with the development plan.

49. I have given limited weight to the conflict with WLP Policies GD2 and DC17, given that the Framework does not advocate a blanket restriction on housing outside settlement boundaries and allows for housing in rural areas in some circumstances.

50. Set against the harm I have identified are a number of benefits. The additional dwellings would make a modest but meaningful contribution to the general supply of housing. There is furthermore a demonstrable need for housing in the District, given the shortfall outlined above. Housing would be delivered in a location which I have concluded is not unduly car-dependent and provides sufficient accessibility to local services. Therefore, future occupiers would make a modest but positive contribution to the local economy and the viability of local services. There would also be some economic benefits as a result of the construction process.

51. The provision of plots for self-build housing accords with the support in the Framework for boosting the supply of sites for people wishing to commission or build their own homes. It would also help the Council to meet its statutory obligations under the Self-build and Custom Housebuilding Act 2015. Although

the parties disagree as to the scale of local demand, there is no dispute that the CS lacks policies for delivery of self-build housing and that the Council is not currently meeting identified demand. The lack of a clear and up to date policy framework for delivery of self-build locally is a factor in favour of the proposed development.

52. The completed planning obligation includes a legal mechanism to secure the delivery of eight serviced plots for self-build housing. This includes obligations relating to approval of the plot boundaries and a design code prior to commencement, delivery of services to the plots and a marketing strategy which takes account of local demand, including those on the Council's Self Build Register. The Council has confirmed that in its view the planning obligation complies with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) with regard to the arrangements for delivery of self-build housing. I am likewise satisfied that it would be effective in this respect and would also meet the similar tests in the Framework. Therefore, I have given significant weight to the proposal's contribution to self-build housing, within a District where there is an acknowledged shortfall against demand.

53. The planning obligation also provides for a commuted sum in lieu of the provision of affordable housing on site. Policy AFH1 of the Affordable Housing Delivery Local Plan[5] (AHDLP) sets a threshold of five net additional dwellings, above which a contribution towards affordable housing is required. Although paragraph 64 of the Framework advises that affordable housing should not be sought for residential developments that are not major developments, the proposal is defined as major development by virtue of its site area. Therefore, the requirement in Policy AFH1 for affordable housing at a rate of 35% of the proposed number of dwellings is applicable.

54. Policy AFH1 allows for a commuted sum to be sought in lieu of on-site provision in exceptional circumstances. In this case, the Council has indicated that provision of affordable housing on-site would be impractical given the nature of the proposed development. While the underlying reasoning has not been spelled out in detail, I am satisfied that the proposed arrangements for delivery of self-build plots are unlikely to be compatible with delivery of affordable housing on site by a Registered Provider. Therefore there are exceptional circumstances justifying payment of a commuted sum in this case.

55. The planning obligation includes arrangements for payment of the required sum and the Council has provided justification for the amount sought. There is no dispute between the Council and appellant as to the required sum. I am likewise satisfied that the amount required has been adequately justified and that this aspect of the planning obligation satisfies the required tests in Regulation 122 (as above) and the Framework.

56. Appropriate arrangements are included in the planning obligation to ensure that the funds in question are used by the Council for the provision of affordable housing. I have accordingly given the contribution towards provision of affordable housing significant weight.

57. The planning obligation also includes obligations for provision of electric vehicle charging points and vouchers for the purchase of an electric bicycle by the first

[5] Wealden District Council Local Plan, Affordable Housing Delivery Local Plan adopted May 2016

occupiers of the dwellings. I am satisfied that these obligations satisfy the required tests in Regulation 122 (as above) and the Framework, being directed towards improving options for reducing reliance on conventional motorised transport. However, I have already taken this into account when reaching a conclusion on the suitability of the location for housing. I have therefore not given these proposed benefits any additional weight at this stage.

58. In summary, I find that the proposal would make a modest but meaningful contribution to the shortfall of housing land, in a suitable location, and that it would deliver economic benefits on a similarly modest scale. It would make a more significant contribution to the provision of self-build housing and would also facilitate provision of affordable housing off-site. Both these benefits would be secured by means of an effective legal mechanism to ensure they are delivered.

59. Taken collectively, these are matters to which I attribute significant weight. Set against that is the harm to the character and appearance of the area, to which I have given moderate weight and the conflict with policies GD2 and DC17 to which I have given limited weight.

60. On that basis, the harm which I have identified does not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Therefore the proposal benefits from the presumption in favour of sustainable development as set out in paragraph 11 of the Framework and I conclude that planning permission should be granted.

Conditions

61. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance and in light of the appellant's comments. I have amended some of the proposed conditions in the interests of consistency, precision and clarity and have omitted others. The main parties have had a further opportunity to comment on the wording of amended conditions and I have taken their comments into account.

62. Both the appellant and the Council proposed amendments to the standard timescale conditions. Although I have noted the appellant's initial argument for a phased approach, the planning obligation includes a requirement that the plot boundaries are established as part of the first reserved matters application. This would provide sufficient clarity for prospective self-builders, without requiring a departure from the standard conditions.

63. A reduced timeframe for submission of reserved matters and implementation of the development would be in line with the Council's Housing Action Plan June 2022. The appellant has also confirmed that this would be acceptable. I have therefore imposed conditions incorporating this amendment, to support delivery of the proposed dwellings in a timely manner.

64. I have imposed a condition specifying the approved plans as this provides certainty. However, I have not listed the supporting technical documents, as compliance with these is adequately covered by other conditions. A condition requiring early submission of a Plot Passport/Design Code is justified, to establish consistent design parameters for the reserved matters, compatible with the rural character and appearance of the area.

65. Conditions to secure the timely implementation of the approved vehicular access works are necessary, both to maintain highway safety and to ensure that the existing access is closed up as intended. As recommended by the Highways Authority, I have included a requirement that the position of the non-motorised access to Sandy Cross Lane is approved, to minimise walking and cycling distance. However, I have not included a separate condition relating to the gradient of the access, since these details can be included in the required specification if required.

66. I have concluded that safe and suitable access is available, that Sandy Cross Lane can reasonably be used as a walking and cycling route and that the additional traffic would not have a significant impact on the wider transport network. Therefore, a Grampian condition requiring provision of a passing place further along Sandy Cross Lane would not be necessary, nor would it be directly relevant to the development permitted. Furthermore, I have been given little detail of the likely location of any such passing place or whether there is a realistic prospect that it would be delivered. As such, I conclude that a Grampian condition to this effect would not be reasonable since it may prevent delivery of a development which is otherwise acceptable.

67. Conditions to secure an effective approach to drainage of surface and foul waters are necessary at this stage, since these matters are not explicitly incorporated in the reserved matters. I have not specified the percentage allowance for climate change, as there are different figures in the Council's evidence, neither of which have been clearly justified. I have, however, included a requirement to include measures for avoidance of discharge of surface water between the site and the highway, as recommended by the Highways Authority.

68. Although proposed landscaping is a reserved matter, for the avoidance of any doubt I have imposed conditions relating to retention, protection and any necessary replacement of existing trees and hedges. I have also imposed a condition to secure approval and timely implementation of the proposed biodiversity enhancements, linked to the submission of reserved matters, in order to ensure that such enhancements are well integrated with the layout and landscaping details from the outset.

69. I have imposed three conditions relating to the management of construction works. These would secure good working practices to protect ecological habitats, management of noise, dust and other disturbance and avoidance of disruption to neighbouring residents at unsociable hours. Such restrictions are necessary in the interests of biodiversity and to avoid any excessive disruption to neighbouring occupiers and users of the lane.

70. Finally, I have imposed a condition requiring that any external illumination is subject to the Council's approval, to mitigate potential effects of light pollution on wildlife and the character and appearance of the area.

Conclusion

71. For the above reasons, I conclude that the conflict with the development plan relating to the effect on the character and appearance of the area and the site's location outside a defined development boundary is outweighed by other relevant material considerations, notably the presumption in favour of sustainable development as set out in the Framework.

72. Therefore, the appeal is allowed and planning permission is granted subject to the conditions set out in the schedule below.

Jane Smith

INSPECTOR

Schedule of Conditions

1) Details of appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.

3) The development hereby permitted shall take place not later than 18 months from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans:
   - Site Location Plan, drawing no. 13147/001 Revision A
   - Proposed Site Access General Arrangement/Visibility Splays and Swept Path Analysis Large Refuse Vehicle, drawing no. 194853-A-01

5) Prior to the submission of reserved matters, details of a Plot Passport/Design Code shall be submitted to and approved in writing by the local planning authority. The Plot Passport/Design Code shall contain information to guide appearance, scale, layout and landscaping and means of enclosure to inform the submission of reserved matters.

6) No development shall commence until details of the position and layout of non-motorised access and the specification for the construction of the vehicle access have been submitted to and approved in writing by the local planning authority in consultation with the Highway Authority; and the development shall not be occupied until the construction of the vehicle and non-motorised accesses have been completed in accordance with the agreed specifications.

7) The vehicular access to serve the development shall not be used until visibility splays of 2.4m by 43m have been provided in both directions, in accordance with the details on approved drawing no. 194853-A-01. The visibility splays shall thereafter be maintained free of all obstruction to visibility above 0.6m in height.

8) Prior to the first occupation of any individual dwelling hereby permitted, details of the proposed means of closure of the existing vehicular access from the site onto Sandy Cross Lane shall be submitted to and approved in

writing by the local planning authority, and such means of closure as approved shall be provided and completed prior to the first occupation of any dwelling on the site.

9) No development shall take place until full details of the surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme should be confirmed as deliverable by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system.

The submitted details shall include the following:-

i. Detailed plans, layouts and sections of the proposed drainage system and pollution/silt control devices and construction details of any non-standard features.
ii. A full management and maintenance plan for the development which shall include the setting up of any necessary company to secure the operation of the scheme throughout its lifetime, and details should specify the responsibilities of each party for the implementation of the SUDS scheme, and timetable for implementation.
iii. Full hydraulic calculations taking account of climate change.
iv. Proof of agreement from the highway authority and the adjacent private landowner to construct the surface water outlet from the site within land they own.
v. Evidence that the receiving ditch is in sufficient condition to receive the flows from the site.
vi. Details of measures to prevent the discharge of surface water from the site onto the public highway or from the public highway onto the site.

The approved drainage works shall be completed prior to the first occupation of any dwelling on the site.

10) Prior to the commencement of each dwelling, details of the proposed means of foul drainage disposal shall be submitted to and approved in writing by the local planning authority. The approved drainage works shall be completed prior to the first occupation of each dwelling on the site.

11) Notwithstanding details in the submitted Arboricultural Report dated 28 May 2021, before development commences on site a full Arboricultural Method Statement shall be submitted to and approved in writing by the local planning authority which shall include numbering and detailing of trees and hedges to be retained, confirming root protection areas and form of protection fencing to retained for the duration of construction, routing of service trenches, overhead services and carriageway positions and any details of no dig techniques along with associated use of geotextiles and an indication of the methodology for necessary ground treatments to deal with compacted areas of soil. The works shall be implemented in accordance with the approved details.

12) No retained tree or hedge as identified in the Arboricultural Method Statement required by Condition 11 shall be cut down, uprooted or destroyed, nor shall any retained tree or hedge be reduced or pruned, other than in accordance with the prior written approval of the local planning authority. If any retained tree or hedge is removed, uprooted, destroyed or dies, a replacement shall be planted in accordance with details

of species, size, position and time of planting to be agreed with the local planning authority.

Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedge to be retained:

i. Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedge.
ii. No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedge.
iii. No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedge.
iv. No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedge as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.
v. No vehicles shall be driven over the area within the approved protection zone of the tree or hedge.
vi. No materials or equipment shall be stored within the approved protection zone of the tree or hedge as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'.

13) The layout and landscaping details submitted in accordance with condition 1 above (approval of reserved matters) shall include details for the enhancement of the site for biodiversity purposes, in accordance with paragraphs 4.2 to 4.11 and 4.16 to 4.18 (inclusive) of the submitted Ecological Impact Assessment dated July 2021 and updated February 2022, to include timescales for implementation and future management of the approved enhancement measures. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.

14) Notwithstanding the submitted Ecological Impact Assessment dated July 2021 and updated February 2022, prior to the commencement of the development, a detailed wildlife management plan shall be submitted to and approved by the local planning authority. This should include detailed proposals for the protection of bats, birds, reptiles, and badgers, and measures for the mitigation of any harm to them likely to be caused by construction of the development. Construction works and any other measures forming part of that plan shall thereafter be carried out in accordance with the approved details.

15) Prior to the commencement of the development, full written details for a Code of Construction Practice shall be submitted to and approved in writing by the local planning authority. The Code of Construction Practice shall detail good practice measures for site working to mitigate potential impacts from construction including protection of retained features and surface water bodies on or adjacent to the site, control of run-off, application of design controls for construction equipment and construction vehicles, vehicle routing, onsite parking, loading and turning provision, wheel washing facilities, materials storage, sheeting of lorries during transportation of construction materials, provision of water sprays during

delivery and dumping of sand and gravel, mixing and batching on wet rather than dry aggregate materials, minimum drop heights to be used for continuous and batch drop activities and waste disposal. The approved Code of Construction Practice shall be implemented throughout the period of work on site.

16) During the construction phase, no works shall take place other than within the hours Monday to Friday 08:00 to 18:00, Saturday 08:00 to 13:00 and not at all on Sundays Public or Bank Holidays. Deliveries shall take place between 08:00 to 18:00 Monday to Friday only and not at all on Saturdays, Sundays, Public or Bank Holidays.

17) No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, and has been submitted to and approved in writing by the local planning authority. Any external means of illumination shall thereafter be implemented in accordance with the approved scheme.

END