

Runnymede Borough Council

PLANNING COMMITTEE

Wednesday 16 December 2020 at 6.30 pm

A D D E N D U M

PLANNING APPLICATIONS

RU.20/0098 Rusham Park,(redevelopment), Whitehall Lane, Egham

Update to paragraph 2.19 to advise that planning application RU.20/0260 for the proposed construction of a new internal link road between the existing halls of residence and sports pitches to the south of the RHUL campus (including revisions to existing land levels, removal of existing trees and proposed new mitigation tree planting) and proposed alterations along the existing internal university road network to allow access for the shuttle bus was approved by the local planning authority (subject to conditions) on 15.12.2020.

Update to Paragraph 6.37 Planning Infrastructure Contributions – Controlled Parking Zones -

A figure of £46,703.50 has been agreed with RHUL which represents a 50% proportion of the total costs for setting up a CPZ to cover all areas affected by student parking within the vicinity of the university.

This was based on an estimate obtained by Surrey Highways on set up costs. This contribution towards setting up the CPZ will be secured through the S106 agreement.

The contribution would be allocated in the legal agreement for CPZ projects within either Egham, Englefield Green, or for projects in close proximity of RHUL. This contribution would not be aligned to a specific one of these areas.

It is likely that CPZ would be delivered as a single comprehensive project to minimise the risk of displaced parking. The balance of the project costs would need to be sought from other developments or funding sources.

Officer's recommendation

Amendments to the condition 7 Highway Improvements are recommended as follows:

No part of the development shall be first occupied until further details of highway improvements have submitted to and approved in writing by the Local Planning Authority.

- i) Facilities to allow pedestrians and cyclists (both students and the public) to cross the railway line from the site to the main Royal Holloway Campus and from adjoining public footpaths and pavements. This shall include details of the proposed design and positioning of the bridge, external lighting and associated footpaths to link the bridge with the main RHUL campus and existing neighbouring public footpaths and pavements.
- ii) The provision of pedestrian and cycle improvements from the site to improve safety along Whitehall Lane leading to Egham Railway Station and Egham Town Centre following an assessment of the existing provision for pedestrians and cyclists.
- iii) Provision of a university shuttle bus service linking the site to key local destinations including, but not limited to Egham Railway Station, Egham Town Centre and RHUL main campus. This shall include details of bus stopping points within the site, bus shelters and proposed timings and frequency of the shuttle bus service.
- iv) Improvements to footpaths 27 and 89 to improve facilities for pedestrians and cyclists.

When approved, the development shall be undertaken in complete accordance with the approved details prior to the first occupation of the development (unless a variation is agreed in writing by the Local Planning Authority) and shall thereafter be retained.

Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, to promote sustainable transport measures and to ensure an acceptable design in the

interests of the visual amenities of the area and to comply with policies EE1, SD3 and SD4 of the Runnymede 2030 Local Plan and policy within the NPPF

Clarification with regards condition 13 (EV Charging)

It is important to clarify that EV charging points are only being sought on the new spaces and not on the Multi Storey Car Park (MSCP). The MSCP is an existing operational car park and is a windfall of the development, not required to make the current proposal acceptable in planning terms. It would therefore be unreasonable to require its enhancement through this application. This is not completely clear in the condition, in the interests of clarity the condition is updated to:

“The development hereby approved shall not be first occupied (or if the development is phased, before the first occupation of each individual phase of the development) until all new car parking

spaces are provided with a fast charge socket (minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. When approved the development shall be undertaken in complete accordance with the approved plans (unless a variation is approved in writing by the Local Planning Authority)

and shall thereafter be retained and maintained.

Reason: In order to promote sustainable transport measures to comply with policy SD3 of the Runnymede 2030 Local Plan and policy within the NPPF”

Add Additional condition 41 as outlined within paragraph 6.35 of the committee report to secure ‘health and wellbeing’ enhancements as part of the development proposals to read as follows:

Applications for the approval of reserved matters shall include details of the proposed measures to support and promote health and wellbeing within the application site. When approved the development shall be undertaken in accordance with the approved scheme (unless a variation is approved in writing by the Local Planning Authority) and shall thereafter be retained.

Reason: To ensure that health and wellbeing is promoted as part of the development to comply with policy SL1 of the Runnymede 2030 Local Plan and policy within the NPPF.

RU.20/0675 Brox End Nursery

6 further letters of representation have been received since the report was published, none of which are from new objectors and all raise similar points already summarised in the report

The Council’s Conservation Officer has provided these comments in response to residents’ concerns about impacts on locally listed buildings in the vicinity of the site

‘The site is entirely self-contained within its own boundaries, no new building will actually face any highway. so with appropriate boundary treatments including retained trees and new planting the character of the surrounding area should not change significantly. I cannot see how the pub opposite the new drive will be affected, it already has a road frontage with another side road adjacent. One small point occurs to me, I think there is scope for more new tree planting on the verges to the new access road, this would lessen the effect of the gap in the street frontage caused by the demolished house. I really cannot see that this scheme and particularly the new access road will harm the settings of any nearby heritage assets, or the character of the wider area’.

Following the receipt of the Council’s Conservation Officer comments a further letter has been received from Brox End Nursery Residents Association (BENRA) and Brox Lane Residents Association (BLARA) still expressing concerns in respect of the impact of the development on nearby locally and nationally listed buildings.

Points of clarification within the report

Para 3.10 Point 5 delete 'unit' and insert 'dwelling house and 20% of spaces for the flats to be fitted with a fast charge socket and another 20% of spaces to be provided with the power supply to provide additional fast charge sockets'. This is important as the original condition was a little ambiguous and could have led to confusion over the different requirements for flats and houses.

Para 6.15 Refers to requiring the site to be provided with Electric Vehicle Charging, however for clarification construction vehicles are not required to have charging points.

Officer recommendation: As set out in the report a SANG contribution will be provided and the applicant has confirmed this will be secured through the S106. Therefore this can be added to the list of financial contributions to be secured in the s106 as follows:

(iii) £90,000.00 towards the provision of SANG;

Planning conditions: Officers recommend a number of amendments to the recommended conditions and one new condition to which the applicant has agreed as set out below.

Other conditions have also been suggested by residents in regard to permanently closing the Brox Lane Access and maintaining the boundary hedges at a particular height, however as Brox Lane is a private road and as maintaining a constant hedge height would be very difficult to do, it is not considered that the LPA could control and enforce such matters.

Condition	Recommended amendment
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3	Add in after commenced 'above slab level'
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4	a) Delete 'changes to levels' Delete 'trim trail' and add in 'natural play equipment' Delete 'measures to be taken to ensure that retained trees and their roots are not damaged and details of the measures to be taken to protect existing features during the construction of the development' and add in 'and details of soft landscaping to the rear of plot 46 along the boundary with Arden'.
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6	Amend current condition 6 and propose following wording.
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'The construction of the development shall take place fully in compliance with the measures set out in the Arboricultural Method Statement and Landscape and Ecological Management Plan, prepared by James Blake Associates dated May 2020 unless otherwise agreed with the Council. As set out in the Arboricultural Method Statement and Landscape and Ecological Management Plan, the objectives and management responsibilities for all landscape areas other than small, privately-owned domestic gardens shall be maintained thereafter'.

Reason: To protect the trees to be retained and enhance the appearance of the surrounding area, to ensure that replacement trees, shrubs and plants are provided and to protect the appearance of the surrounding area and to comply with Policies EE1, EE9, and EE11 of the Runnymede 2030 Local Plan and guidance in the NPPF.

7	Add in after commence '(with the exception of works to the approved access)' Add in after drainage scheme ',in accordance with the approved Flood Risk Assessment & Surface Water Drainage Strategy prepared by Glanville Group dated May 2020',
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Note: The LLFA has agreed to the amended wording of the condition

12	Amend current condition 12 and propose following wording.
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The development hereby approved shall not be occupied unless and until each of the proposed dwelling houses and 20% of spaces for the flats are provided and fitted with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) and another 20% of spaces for the flats to be provided with the power supply to provide additional fast charge sockets and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To sustain compliance with and contribute towards EU limit values or national objectives for pollutants, in accordance with guidance within the NPPF.

Note: The CHA has agreed to the amended wording of the condition

13 Amend current condition 13 and propose following wording.

'No site clearance shall take place unless in accordance with Aspect Ecology's report entitled 'Brox End Nursery, Brox Lane, Ottershaw', Ecological Appraisal, dated April 2020'.

Reason: To safeguard any significant existing ecological interest within the site and to accord with Policy EE9 of the Runnymede 2030 Local Plan and guidance within the NPPF.

14 Add in after bat roosting opportunities 'and biodiversity improvements'.

Reason: Add in after on the site 'to enhance the biodiversity of the site' amend Policy to read 'Policies' and after EE9 add in 'EE11 and EE12'

15 Delete Condition as incorporated into condition 14 above

18 Delete Condition as SANG will be secured through the S106.

22 After proposed delete '1.8 metre high'

23 Delete condition as to be added into condition 4.

New condition Access restrictions – adjacent roads

24 There shall be no direct access either vehicular or pedestrian from the application site onto Southwood Avenue, Brox Lane, FP21 or FP30 other than that shown on the approved plan.
Reason: To discourage vehicles from parking on the private roads and public footpaths and to minimise access in the interest of public safety.

Informative 5: Delete informative as will be secured through the S106.

RU.20/0601 and RU.20/0600 Glasshouse 1, Bellbourne Nursery, Hurst Lane, Egham

Of relevance to these applications, the principle of fallback has long been a principle in planning law, however there has been relatively little caselaw in its application against class Q. Around the time of the publication of the report an appeal in North Somerset was determined that considered Class Q fall back position. The Inspector has concluded that permitted development rights for a relevant development represents a material fallback position to which he has given substantial weight, which the Inspector concluded clearly outweighed the totality of the harm to the Green Belt, the approach taken in this appeal is consistent with the approach taken in the officer recommendation. The appeal decision letter is copied in full at the end of this addendum.

The applicant has provided some comments on the officer's report which have been published on the website, the main points are summarised as follows:

The applicant has commented on previous applications for Class Q prior approval for Glasshouse 1, with the Unilateral Undertaking submitted with the Class Q application that was approved RU.20/0237 which overcame the reasons for refusal of RU.19/1198; the applicant considers the Officers Reports contain incorrect and contradictory details about the Draft Unilateral Undertaking submitted in relation to the cessation of the B8 Use on the southern part of the site, and the future Use of Glasshouse 2 on the northern part of the site.

- the applicant confirms the undertakings in the UU submitted with these current applications are identical to those submitted and approved under RU.20/0237.
- The obligations are:
- *The Undertaking is given to the effect that the Applicant will not commence development of the application proposal until such time as*

- *(a) the B8 use (storage & distribution) of the adjoining land to the south has ceased and is replaced with a use which would be compliant with national and local planning policies and where there were no other material considerations existing at the time which would suggest a particular use was not acceptable; and*
- *(b) The development approved on 13 February 2019 via the prior approval in relation to the remaining glasshouses to the north, the Prior Approval granted for a flexible use within shops, financial and professional services, restaurants and cafes, business storage or distribution, hotels and assembly or leisure under application reference RU.19/0015, or such other planning permission as may subsequently be granted by the Council, has been commenced.*
Note: RU.19/0015 was superseded by RU.19/1822 being the same flexible Use but for a different area of Glasshouse 1.
- Paragraph 3.2 of the report for RU.20/0600 correctly references the UU (not as stated in para 6.4 or as in the relevant ,paras in RU.20/0601
- It is clear from the reasons for refusal of RU.19/1198 that B8 Use to the south of Glasshouse 1 and the Horticultural Use of Glasshouse 2 to the North were considered to be detrimental to the living conditions of any future residents of the Glasshouse conversion, this is the reason that the UU is framed to remove both of these Uses and replace them with acceptable Uses that the Council could control, as confirmed in the Conclusion to the Officers Report into the "fallback approval" RU.20/0237. These current reports express concerns about the ongoing agricultural Use of Glasshouse 2 but of course these concerns are unfounded in the light of the above information.
- There is no difference in the heights of the roof than approved under RU.20/0237; the curved roof peaks at the same height as the angled roof and on average the curved option has a lower roof line. I appreciate that this is not considered to be a significant issue due to the reduction in height of the lower roof

Officers can advise the committee that the factual corrections are agreed.

RU.20/1259 Land north of Littlecroft Road, Egham

The applicant has confirmed that the replacement gates will be of an open mesh design and the same height as the existing gates at 2.4m. The applicant has also clarified that the hard-standing works are replacing existing hardstanding which is pot-holed and in poor condition. It does not make sense to remove the proposed hard-standing and restore the land to a poorer condition as condition 3 currently worded requires. It is also unnecessary to undo the works in the highway given the restriction on use. The College already have the benefit of the road for access so it needs to be made clear in the condition that this in itself is not being removed by this condition.

Officer's recommendation Amend condition 3 to read

The use of the road **described in the planning application** hereby permitted shall be discontinued ~~and the hardsurfacing material removed and the land restored to its former condition~~ on or before 31 August 2022.

RU.19/1146 214 Wendover Road, Staines Upon Thames

An additional representation has been received wanting the development to respect protected trees and any protected species.



Appeal Decision

Site visit made on 12 October 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State Decision date: 2

December 2020

Appeal Ref: APP/D0121/W/20/3255105

Barns at Valley View Farm, Highridge Road, Dundry BS41 8JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Liam Hopkins against the decision of North Somerset Council.
 - The application Ref 20/P/0303/FUL, dated 5 February 2020, was refused by notice dated 16 April 2020.
 - The proposed development is demolition of existing agricultural barns and erection of residential dwelling and ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing agricultural barns and erection of residential dwelling, and ancillary works at Barns at Valley View Farm, Highridge Road, Dundry BS41 8JU, in accordance with the terms of the application, Ref 20/P/0303/FUL, dated 5 February 2020, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Liam Hopkins against North Somerset Council. This application is the subject of a separate Decision.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

4. The appellant has provided revised drawings as part of their appeal submission. While neighbouring occupants have not had the chance to provide comments on these revised drawings, I consider that they would not be prejudiced by my acceptance of them as the proposal would remain broadly unchanged. I therefore accept the revised drawings and have considered the proposal on this basis.

Main Issues

5. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework 2019 (the NPPF) and

development plan policy;

- the effect of the proposal on the openness of the Green Belt;
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- the effect of the proposal on the character and appearance of the site and surrounding area; and
- if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Inappropriate Development

6. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states that new buildings in the Green Belt are inappropriate, although there are certain exceptions. Policy DM12 of the Sites and Policies Plan Part 1 2016 (the SPP) states that inappropriate development will not be approved except in very special circumstances, and so is consistent with the NPPF.
7. The proposed development would not fall within any of the exceptions listed in paragraph 145 of the NPPF. In particular, as the dwelling allowed for under Ref 18/P/3576/CQA has not been built, the development could not comprise a replacement building in the same use as the one it replaces. Nor would it constitute the redevelopment of previously developed land, as the current agricultural use of the site means it does not meet the definition of previously developed land set out in Annex 2 of the NPPF. Consequently, it would constitute inappropriate development as defined in paragraph 145 of the NPPF. As such, the proposal would be contrary to Section 13 of the NPPF and Policy DM12 of the SPP as set out above unless it can be shown that very special circumstances exist.
8. The Council also state that the proposal would conflict with Policy CS6 of the Core Strategy 2017 (the Core Strategy). However, this policy relates specifically to the boundaries of the Green Belt and does not make any reference to inappropriate development. As such, I do not consider that there would be any conflict with Policy CS6.

Openness

9. Openness is an essential characteristic of the Green Belt as set out in paragraph 133 of the NPPF and can comprise spatial and visual aspects.
10. The Council state that the proposed development would have a floor area of 430sqm, measured externally, and, based on the figures in their appeal statement, the existing barns measure 408sqm. However, this does not appear to include the sizeable lean-to structure on the western side of the southern barn. The appellant calculates the internal floor area of the proposal to be 377sqm and that the floor area of all the existing structures is 494sqm. Using the appellant's figures, as they are complete, the development would have a smaller floor area than the existing buildings to be removed.
11. The two existing barns have a combined volume of 1978 cubic metres. In comparison, the proposal would have a volume of 1260 cubic metres. These figures are not disputed by the Council. This is a significant reduction in volume and is more indicative than the floor area figures (which do not account for the

substantial height of the existing barns) of the improved openness of the site. In any case, whether using volume or floor area, the proposed development would be smaller than the existing development on site and so the proposal would improve the spatial openness of the Green Belt.

12. Although the proposal would be two-storeys in height, and appear marginally taller than the existing barn on the northern side of the appeal site, the lower- ground floor would be partly subterranean and largely hidden in long views from the north by the natural topography, supplemented by a low bund. As a landscaping scheme could also be secured by condition to further ensure that the lower-ground floor would remain hidden, the proposal would not appear as a two-storey dwelling within views from the north and so would not cause visual harm to the openness of the Green Belt. While the formation of the proposed bund may be an engineering work, it would have a very limited height above the existing ground level, as shown on the submitted section drawings, and would not introduce any additional built form to the Green Belt. As such it also would not cause harm to visual openness.
13. I acknowledge that the proposed area of car parking on the southern side of the site would be visible from the road. However, the parking area could be suitably screened from public views as part of a landscaping scheme secured through condition, hence negating any adverse visual impact. Furthermore, as the resultant built form would be consolidated within one single building that would be set back further from the northern boundary of the site than the existing northern barn, the proposal would result in less encroachment compared to the existing arrangement.
14. While there may be some domestic paraphernalia within the proposed garden area, I observed during my site visit that there were agricultural vehicles and materials around the site. Given that the proposal would result in a single family dwellinghouse, I do not consider that the amount of domestic paraphernalia within the garden area would be much greater than the amount of agricultural paraphernalia around the site already, and so the proposal would cause no greater harm to the openness of the Green Belt in this respect.
15. Overall, for the above reasons, I consider that the proposal would greatly improve the openness of the Green Belt.

Character and Appearance

16. While the appeal site lies within the open countryside, the immediate surroundings are characterised in part by the varied form and design of the several single-storey and two-storey dwellings to the southeast of the appeal site. Within this context, the proposed design would not appear particularly incongruous. As the proposal would appear as a single-storey dwelling within public views from the road, it would not appear over-scaled or bulky, particularly as it would be seen within the context of visibly larger two-storey dwellings nearby. From the submitted drawings and materials before me, I am satisfied that the resultant property would appear as a well-balanced, suitably contemporary dwellinghouse that would both respond positively to the characteristics of the site and preserve the rural appearance of the surrounding landscape.
17. Furthermore, I do not find it likely that there would be so much domestic paraphernalia associated with a single dwelling within the proposed garden

area that the rural character of the surrounding area would be unduly compromised.

18. I note the Council's concerns regarding the effect of the proposal on the wider landscape. However, views from the nearest footpaths would be negligible and, in any case, with a suitable condition in respect of landscaping, I consider that the proposal would not appear as an obtrusive feature within the landscape and so would preserve its rural character.
19. For the above reasons, I consider that the proposed development would not cause harm to the character and appearance of the site and surrounding area. It would therefore comply with Policies CS5 and CS12 of the Core Strategy 2017 (the Core Strategy) which, amongst other things, state that the design of development should protect and enhance North Somerset's landscape and be of a high quality. It would also comply with Policies DM10 and DM32 of the SPP which state, amongst other things, that development should be carefully integrated into the natural environment and should demonstrate sensitivity to local character.
20. The proposal would also comply with the North Somerset Landscape Character Assessment Supplementary Planning Guidance 2018, as it would conserve the appearance of a rural pastoral landscape.

Other Considerations

21. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. I therefore need to balance any other considerations against the harm.
22. As set out above in detail, the proposal would substantially improve the openness of the Green Belt compared to the existing volume of development on the site. I attribute significant weight to this consideration.
23. The appellant has asserted that a fallback position is established by the dwelling granted under application Ref 18/P/3576/CQA, where prior approval under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) was granted for the conversion of the southern barn to provide a single dwellinghouse. From the evidence before me, I consider that there is a realistic prospect that this fallback could be implemented if this appeal is dismissed. In comparison to the proposal before me, the approved scheme would not involve the demolition of the northern barn. While the lean-to element of the southern barn would be demolished, the scheme would not improve the openness of the Green Belt to the same extent as the appeal proposal, based on its volume.
24. Furthermore, as the extant scheme would result in a converted barn adjacent to a barn remaining in agricultural use, the site would become an especially incongruent and incoherent arrangement of conflicting uses, to the detriment of the character and appearance of the site. In comparison, the proposal before me would introduce a single, architecturally meritorious building that would respond positively to the topography and context of the site and surrounding landscape.
25. Relative to the fallback position, the proposal would clearly have a significantly better effect on the openness of the Green Belt and the character and

appearance of the site and surrounding area. For the above reasons, I regard the appellant's fallback position as having significant weight.

26. I note the appellant's proposal to seed the proposed bund in a manner compatible with the surrounding area and I acknowledge the environmental benefits that would result from the proposed energy efficiency measures. The landscaping scheme would mainly mitigate the effect of the development and the energy efficiency measure should be expected of all new housing. Nonetheless, they are beneficial compared to the extant consent, and so I give them moderate weight.
27. While I agree that the proposal would not cause harm in terms of highway safety, the absence of harm is not a benefit in itself, and so I attribute neutral weight to this consideration. For the same reason, I do not consider that the site's location within Flood Zone 1 weighs in favour of the proposal.

Planning Balance and Overall Conclusion

28. Paragraph 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt. The proposal would cause in-principle harm to the Green Belt by virtue of its inappropriateness. The lack of harm to the character and appearance of the site and surrounding area is a neutral factor which does not weigh in favour of the proposal.
29. However, the proposal would greatly improve the openness of the Green Belt whether considered against the volume of the existing buildings or if the extant permission were implemented. This benefit to openness, along with the superior layout, appearance, landscaping and energy efficiency of the proposal compared to the extant scheme lead me to consider that the other considerations in this case would clearly outweigh the harm to the Green Belt that I have identified. Looking at the case as a whole, I therefore consider that very special circumstances exist. The proposal would therefore comply with Policy DM12, as set out above, and Section 13 of the NPPF.
30. Although I note the Council's comments regarding Policies CS1 and CS33 of the Core Strategy and Policies DM44 and DM45 of the SPP, the fallback position means that the principle of housing development on the site has already been established. Furthermore, as I have assessed this appeal strictly on its own merits, I am not convinced that allowing this appeal would either set a precedent for any hypothetical future development proposals elsewhere or undermine national or local policy.
31. As the Council cannot demonstrate a 5-year supply of deliverable housing land, paragraph 11 d) of the NPPF is engaged. As very special circumstances exist, there is no clear reason for refusing the proposal as per paragraph 11 d)i. Under paragraph 11 d)ii, the benefits of the scheme are not significantly and demonstrably outweighed by the harms when assessed against the NPPF as a whole. A presumption in favour of sustainable development therefore applies.
32. I therefore conclude that the appeal should be allowed.

Conditions

33. The conditions imposed are those suggested by the appellant, but with some variation in the interest of clarity and precision having regard to the advice on imposing conditions in the NPPF and Planning Practice Guidance.

34. In addition to the standard timescale condition, I have imposed a condition requiring that the scheme be built in accordance with the approved plans for the avoidance of doubt. This differs from the appellant's suggested condition in that I have omitted certain drawings which contain perspective images rather than detailed, scaled plans and elevations. I have also required the submission of material samples to be approved by the Council prior to development so as to safeguard the character and appearance of the area.
35. However, I have not found it necessary to impose a condition requiring that the access gate from the road should be repositioned. There is already adequate space within the existing area for vehicles to temporarily park off of the road. Furthermore, there would be sufficient space within the appeal site for vehicles to turn, so no vehicles would have to reverse onto Highridge Road. This condition is therefore unnecessary in the interests of highway safety.
36. I have imposed a condition requiring that details of a landscaping scheme must be submitted to and approved by the Council prior to the occupation of the proposal in order to ensure that the proposal would have an acceptable effect on character, appearance and ecology.
37. Also in the interests of ecology, I have imposed a condition requiring that details of the proposed bat box must also be submitted to and approved by the Council prior to occupation.
38. The appellant has suggested a condition that would restrict demolition work and clearing of scrub from taking place outside of the bird nesting season. However, in the same condition, the appellant also suggests that such work could be done during the bird nesting season following an onsite check survey carried out by a suitably qualified ecologist. Under this arrangement, however, this survey could be carried out without the oversight of the Council. I have therefore altered the condition so that the Council are required to approve the check survey in writing, in the interests of ensuring that the proposal would not cause unacceptable harm to the ecology of the site.
39. The appellant has suggested a condition restricting some permitted development rights available under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). However, under their suggested wording, the appellant would still have permitted development rights under Classes B, D and H of Schedule 2, Part 1 of the Order and so would be able to further extend the roof, build a porch and add microwave antennae.
40. Paragraph 53 of the NPPF states that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. In this particular case, the positive effect of the proposal on openness has been a key consideration in determining that very special circumstances exist to justify the proposal. Given the specific circumstances of this appeal and the detailed design of the proposal before me, I therefore consider that the restriction of permitted rights would be necessary in order to ensure that the openness of the Green Belt would be improved. In addition to the Classes of Schedule 2, Part 1 of the GPDO to be restricted as suggested by the appellant, I have also required that permitted development rights under Class B, Schedule 2, Part 1 of the GPDO shall be restricted. This would ensure that the roof could not be extended in such a manner whereby the resultant bulk would

cause harm to the openness of the Green Belt and so undermine the very special circumstances that exist to justify the proposal.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

41. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR

