



Appeal Decisions

Hearing held on 21 February 2023

Site visit made on 21 February 2023

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal A Ref: APP/C1435/W/21/3285618

Coldthorn Barn, Coldthorn Lane, Hailsham BN27 3PJ

- 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 Ms Lauren Richards of TA Homes (Land) Limited against the decision of Wealden District Council.
 - The application Ref WD/2020/0894/F, dated 1 May 2020, was refused by notice dated 28 April 2021.
 - The development proposed is the erection of 3 no. dwellings, access and other associated infrastructure.
 - This decision supersedes that issued on 4 April 2022. That decision on the appeal was quashed by order of the High Court.
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Appeal B Ref: APP/C1435/W/21/3274822

Coldthorn Barn, Coldthorn Lane, Hailsham BN27 3PJ

- 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 Ms Lauren Richards of TA Homes (Land) Limited against the decision of Wealden District Council.
 - The application Ref WD/2020/1504/MOA, dated 28 July 2020, was refused by notice dated 23 November 2020.
 - The development proposed is the subdivision of existing dwelling into 2 no. separate residential units and erection of up to 30 no. dwellings, access and other associated infrastructure, including off-site highway works.
 - This decision supersedes that issued on 4 April 2022. That decision on the appeal was quashed by order of the High Court.
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Decisions

1. Appeal A is allowed and planning permission is granted for the erection of 3.No dwellings, access and other associated infrastructure at Coldthorn Barn, Coldthorn Lane, Hailsham BN27 3PJ in accordance with the terms of the application, Ref WD/2020/0894/F, dated 1 May 2020, and subject to the conditions in the attached schedule.
2. Appeal B is allowed and planning permission is granted for the subdivision of existing dwelling into 2 no. separate residential units and erection of up to 30 no. dwellings, access and other associated infrastructure, including off-site highway works at Coldthorn Barn, Coldthorn Lane, Hailsham BN27 3PJ in accordance with the terms of the application, Ref WD/2020/1504/MOA, dated 28 July 2020, and subject to the conditions in the attached schedule.

Preliminary Matters

3. Both of these appeals are a redetermination following the quashing of the previous appeal decisions. Those decisions were both quashed on the basis of issues and analysis regarding the adjoining woodland and whether it should be considered Ancient Woodland. While the previous decisions are incapable of having any legal effect, where material I have had regard to the findings of the previous Inspector.
4. There are two appeals and I have considered each on its individual merits. Appeal A concerns the erection of three dwellings on land, which consists mainly of an old orchard and area of existing outbuildings, to the north of Coldthorn Barn. The existing vehicular access from Coldthorn Lane would be improved and would serve the new development and the existing house. This proposal has been submitted as a detailed application for planning permission.
5. Appeal B includes a scheme to subdivide the existing dwelling, Coldthorn Barn, into two dwellings and erect up to 30 dwellings on the paddocks to the rear of the dwelling and partly within the curtilage areas of the house. When submitted to the Council, this scheme was in outline with access and layout for consideration at that stage. The appellant has requested that the scheme be amended so that all matters would be reserved. The Council raise objection to this because it considers that the nature of the change would not accord with how it considered and determined the proposal.
6. However, I consider that the Council and interested parties would not be prejudiced by the acceptance of the withdrawal of the layout and access details because these matters could be considered and commented upon at the reserved matters stage, were outline permission to be granted. The substantive issues in the appeal would be much the same as those considered by the Council and commented on by interested parties. Having regard to the Wheatcroft Principles¹, I will therefore accept the withdrawal of access and layout for consideration at this stage. Consequently, the proposal under Appeal B is an outline scheme with all matters reserved.
7. With Appeal B, during the processing of the application a number of layout plans were submitted. A further layout plan was submitted at the appeal stage which shows 15m buffers around the sides of the paddocks that adjoin the woodland. I have treated all these plans as illustrative as potential options for the layout were permission to be granted.
8. A completed Unilateral Undertaking (UU) pursuant to s106 of the Town and Country Planning Act 1990 has been submitted in respect of Appeal B. The UU includes affordable housing and transport/highway obligations and I will consider the UU later in this decision.

Main Issues

9. The main issues in both appeals, although the reasons for refusal were different, are:
 - whether or not the development plan would support the proposed residential development in this location,

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

- whether or not future occupants of the housing would have satisfactory access to services and facilities by a range of transport modes,
- the effect of the development on the character and appearance of the area,
- the effect of the development on non-designated heritage assets,
- the effect of the development on the adjoining woodland, including whether or not it should be considered to be Ancient Woodland,
- the effect of the development on habitats and protected species, and
- when examining the overall planning balance, if the proposal would not accord with the development plan when considered as a whole, whether or not material considerations indicate a decision should be made otherwise.

Reasons

Location

10. The parts of the development plan relevant to this appeal are the saved policies of the Wealden Local Plan 1998 (the Local Plan), the Wealden District Core Strategy Local Plan 2013 (the Core Strategy) and the Hailsham Neighbourhood Plan 2020 (the Hailsham NP). The site for both housing schemes lies outside the development boundary as identified in the Local Plan and, consequently, in planning terms within the countryside.
11. Saved Policy GD2 of the Local Plan explains that outside the development boundary, development will be resisted unless it is in accordance with specific policies in the Plan. Saved Policy DC17 of the Local Plan refers to housing development outside development boundaries and again specifies that such development will be resisted unless, for instance, it requires a rural location such as an agricultural worker's dwelling or some other similar justification. The proposed housing for both schemes would not meet with the development plan policy requirements for countryside housing.
12. To conclude on this issue, as the proposals would not meet with the requirements of saved Policies GD2 and DC17 of the Local Plan, the development plan would not support the proposed residential development in this location.

Accessibility

13. The town centre of Hailsham lies about 1.5km to the north of Coldthorn Barn. Hailsham is identified as a District Centre in the Core Strategy. A District Centre is described in the Core Strategy as an accessible settlement by road and public transport containing a range of shops, employment opportunities and facilities including secondary school. While Hailsham falls within this third tier within the settlement hierarchy, those settlements in higher tiers are all outside the District boundaries.
14. The Council has, in recent years, permitted residential development beyond the development boundary of Hailsham with some sizeable schemes that are fairly near the Coldthorn Barn site. For instance, the fields either side of Coldthorn Lane at the junction with Ersham Road to the broadly north of the site have planning permission for about 167 dwellings (the Oaklands development). As part of this scheme, the junction would be improved, Coldthorn Lane widened

and a footway provided along one side of the Lane. The evidence indicates that this residential development is likely to be implemented in the near future.

15. On the eastern side of part of Coldthorn Lane, and extending across the fields to Ersham Lane, outline permission has been granted for 241 dwellings (the Summer Hill scheme). This scheme would have access onto Ersham Road. Large parts of this development site for the housing would be further from the town centre of Hailsham than the housing proposed in the present appeal schemes.
16. Both the Oaklands and Summer Hill schemes have been judged sufficiently accessible to services and facilities that they have been found acceptable to the Council when it determined the overall balance of planning considerations.
17. As part of the up to 32 unit scheme under Appeal B, the UU would provide highway works to Coldthorn Lane. This would include the widening to allow the safe two-way passing of vehicles and a footway to link from the site to the Oaklands scheme and its proposed footway. The evidence indicates that the highway within parts of Coldthorn Lane includes sections of grass verge, some reasonably wide, and an informal passing/parking area. It was explained at the hearing that the road improvements could provide more formalised passing places and footway whilst still maintaining the single width carriageway.
18. With the up to 32 unit scheme under Appeal B, the Council did not raise objection to the proposal on the basis of the ability for future occupants to access services and facilities by a range of transport modes. The proposed footway along Coldthorn Lane and the linkage to the Oaklands scheme, which is very likely to go ahead, mean that walking from the site up to the junction of Ersham Road would be a readily available option for many occupants of the proposed dwellings. For some it would be possible to then catch the bus at the nearby bus stops to access Hailsham, Eastbourne and some other areas, or walk into the town centre. The walk to the town centre would be a reasonable distance but the route only gently slopes and would be a feasible option instead of driving.
19. I also consider, following the road improvements, that cycling to and from the site to the centre of Hailsham could provide a convenient and practical means of travel for some occupants. I therefore agree that the improvements to Coldthorn Lane, which form part of Appeal B, mean that there would be opportunities for occupants of the site to pursue walking, cycling and public transport as an alternative to accessing services and facilities by the private vehicle.
20. With the 3 unit scheme under Appeal A, the improvements to Coldthorn Lane would not form part of the development. Without the works to the Lane it would remain as a reasonably narrow, single carriageway rural road with no footway. There is very limited street lighting and the road has a 60mph speed limit although the winding nature of the road in places would limit vehicle speeds.
21. For some occupants of the additional three units, the distance would not be too far in itself to walk or cycle to Ersham Road, and it would be possible in some locations for walkers to step back from the carriageway onto the verge if there was approaching vehicles. However, in places there are ditches and overhanging vegetation that would make this more difficult. Consequently, the

section of Coldthorn Lane from the appeal site to either the Oaklands development or, if this is not constructed, to Ersham Road would be less than ideal as a walking and cycling route. This would be especially the case, in inclement weather, for those with impaired movement or those with smaller children. In these circumstances, there would be less prospect that alternative modes of transport would be used instead of the private vehicle as a means to access services and facilities.

22. To conclude on this issue, Appeal B would provide highway and other improvements that would help facilitate alternative travel options to the private vehicle so that occupants would be provided with a genuine choice of transport modes to access services and facilities. This would meet with the relevant development plan and National Planning Policy Framework (the Framework) policies concerning sustainable transport options.
23. However, the situation with Appeal A would be sub-optimal and while accessing Ersham Road by foot and cycle would be possible it would not always be an attractive proposition. As a consequence, there would be a likely dependence on the private car for occupants of the three additional dwellings. In these respects, I conclude that for Appeal A, the scheme would not meet with the saved Policies EN1 and EN2 of the Local Plan and Policies SPO7 and SPO8 of the Core Strategy which, amongst other things, seeks to encourage the reduction of the need to travel by car by concentrating development where it can most closely relate to public transport opportunities.
24. Neither of the proposals would address the highway safety matters raised by residents in relation to that section of Coldthorn Lane leading south to Summer Hill Lane where there is less verge available and some sections are steep. The Highway Authority has raised no objections as it considers drivers would pragmatically choose to drive the safer, albeit longer, route rather than cut through Coldthorn Lane particularly when highway improvements on Ersham Road have been completed. I have found no reason to disagree.

Character and appearance

25. The sites are located within the Low Weald National Character Area, which is characterised by broad, low-lying, gently undulating clay vales. It generally comprises a pastoral landscape, with remnants of ancient woodland, small-interspersed groups of houses with drove roads and lanes. There is a mosaic patchwork of small irregular mainly arable fields with hedgerows and small woodlands. In terms of the East Sussex County Landscape Assessment 2015 the site falls within the Eastern Low Weald.
26. The wider Coldthorn Barn site typifies many of the positive qualities of the Character Area. The house is attractive within verdant surroundings and the field to the rear, bounded by woodland, provides a characteristic patchwork of land uses across the area.
27. The provision of the three additional dwellings to the generally north of the main house, as proposed with Appeal A, would see the removal of the outbuildings in that area. The dwellings are suitably designed with appropriate external materials. They would be arranged in a courtyard, set back from the road and the dwelling closest to Coldthorn Cottage would be single storey. There would be adequate space between buildings, suitable opportunities for landscaping and the development would not look out of place with the sporadic

nature and character of buildings presently in this rural area, broadly south of the settlement.

28. In all these circumstances, I consider that the scheme under Appeal A would be sympathetic to local character and would not harm the visual appearance of the area. Accordingly, I conclude that the proposal under Appeal A would thereby meet with the requirements of saved Policies EN1, EN8 and EN27 of the Local Plan, Policy SPO13 of the Core Strategy and Policies HAIL D1 and SD2 of the Hailsham NP and the Framework which seeks to achieve well-designed places.
29. The up to 32 unit scheme, under Appeal B, would be a more intensive use of the site and extend development back across the paddocks which are located to the rear of Coldthorn Barn. The paddock areas are elevated above much of the surrounding wider land. However, because of the woodland screen around large parts of the site, the hedgerows and trees along Coldthorn Lane and the partial screen provided by Coldthorn Barn and Coldthorn Cottage, this rear land and the proposed housing would not be prominent in wider views. It is likely that some of the housing would be seen from the immediately adjoining sections of Coldthorn Lane between the existing buildings. From these views and within the paddock areas themselves, the extent of development would provide a greater built and more suburban character and appearance to this rural section of the road.
30. Also, while this would be the subject of subsequent details, the necessary enlargement of the access to provide two way traffic into and out of the site, and the footway and road improvements to Coldthorn Lane, would also be likely to alter its character. The road alterations because of the likely retention of the single carriageway would limit the scale of the changes but there would still be an erosion of the rural character of the Lane. Taken together the scheme proposed under Appeal A would introduce a scale and form of development to this presently rural area which would diminish some of the positive attributes of this part of the Eastern Low Weald Character Area. While this harm would have a localised visual impact, it would, nevertheless, not recognise the intrinsic character and beauty of the countryside as required by the Framework.
31. However, it is also necessary to understand the effect of the proposal in the context of the planning permissions that have been granted nearby and that are likely to go ahead. The Oaklands development would be on either side of Coldthorn Lane when entering from Ersham Road. The widened road, footways and presence of a sizeable housing development would become a prominent presence changing the character of that section of Coldthorn Lane. It is this section of the widened road that the works to the Lane in association with Appeal B would link.
32. Also broadly opposite the site, on the other side of Coldthorn Lane, the Summer Hill scheme is another sizeable residential development that has been agreed in principle and would extend over a number of fields. The presence of parts of this development, if and when agreed at the reserved matters stage, is very likely to be experienced through the boundary landscaping from Coldthorn Lane, near the entrance to the appeal site. The Summer Hill development is likely to change the character of the area, and even if very well landscaped and designed, because of the extent of housing, the scheme would introduce a

more developed and suburban form to the surroundings. This would change the character of this part of the area.

33. It is within this future context, with residential development extending south from the built up area of Hailsham, that the proposal under Appeal B would be experienced. In these circumstances, the inevitable character change from an open field to a estate of houses that would result from the Appeal B scheme, would be but one part of the changes to this area broadly south of Hailsham as development extends into the countryside. In these circumstances, and subject to appropriate layout, design and external materials at any reserved matters stage, I consider that the effect on the character and appearance of the area from the Appeal B scheme would be moderate.
34. Nevertheless, for the reasons explained, I conclude that the scheme under Appeal B would cause harm to the character and appearance of the area, and thereby conflict with saved Policies EN1, EN8 and EN27 of the Local Plan, Policy SPO13 of the Core Strategy and Policies HAIL D1 and SD2 of the Hailsham NP.

Non-designated heritage assets

35. The Council consider that both Coldthorn Barn and the adjoining Coldthorn Cottage are non-designated heritage assets. The Council does not maintain a local list or have policy criteria to assess whether a building should be considered a non-designated heritage asset, instead it examines each building on a case by case basis when determining applications. The Planning Practice Guidance explains that non-designated heritage assets include buildings which have a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.
36. Coldthorn Barn is a building that was converted to a dwelling in the 1930s from a five bay barn. It was previously a Grade II Listed Building but was de-listed in March 2016, mainly because of the degree of alteration when the building was converted. These fairly extensive alterations are shown on the original drawings. Nevertheless, Coldthorn Barn is still an attractive vernacular building that dates from probably the 18th Century. While it has been much altered it is a long established and historic feature of the road and I consider that it meets the requirement to be considered a non-designated heritage asset as it has a degree of heritage significance meriting consideration in planning decisions.
37. Similarly Coldthorn Cottage is also a vernacular and attractive building that is prominently located in Coldthorn Lane and the evidence indicates it was constructed in the period between 1840 and 1875. It does not appear that the building has the same level of significance as Coldthorn Barn, nevertheless, because of its age, materials and form, it appears to be a good example of a traditional, rural cottage of that period. I consider that it has some historical and architectural value and again has a degree of heritage significance meriting consideration in planning decisions. Both buildings should, therefore, be considered as non-designated heritage assets.
38. The three unit scheme under Appeal A would be sufficiently separated from existing dwellings and suitably designed, with Plot 1 being single storey, such that the new dwellings would not adversely impact on the setting or significance of Coldthorn Barn nor Coldthorn Cottage.

39. With the up to 32 unit scheme under Appeal B, the new buildings and associated residential activity would be separated from Coldthorn Cottage. Furthermore, the upgraded vehicular access would be to the broadly south from this building and the effect of the development on the setting and significance of Coldthorn Cottage would not be harmful.
40. The scheme would involve the subdivision of Coldthorn Barn. However, this building has already been substantially altered internally and this was one of the reasons for de-listing. With sensitive details as part of a condition with any approval, the internal works and subdivision of the curtilage would ensure that the significance of the building was not undermined. Again, with a suitable layout and separation of the new build dwellings that respected the immediate surroundings to Coldthorn Barn, the setting of this building would not be harmed.
41. To conclude on this issue, both buildings can be considered non-designated heritage assets, but neither scheme would have an unacceptably harmful effect on their setting or significance. Accordingly, there would be no conflict with Policy SPO2 of the Core Strategy or the Framework with respect to the need to protect heritage assets.

Woodland

42. The Framework defines Ancient Woodland as an area that has been wooded continuously since at least 1600 AD and is an irreplaceable habitat. In such circumstances, development which would result in its loss or deterioration should be refused, unless there are wholly exceptional reasons.
43. Coldthorn Wood adjoins three sides of the Appeal B site and parts of the site boundaries of Appeal A. The Wood is identified as "Ancient Semi-Natural Woodland" in the Weald Ancient Woodland Survey 2006. This followed a field survey of the woodland in July 2005 with the result that Coldthorn Wood was graded with a high confidence level of being Ancient Woodland. Furthermore, the land is included on Natural England's Ancient Woodland Inventory, such that it appears as Ancient Woodland on the MAGIC database. It also appears on the earliest map of the area, namely the County Map 1778-1783. While I have carefully examined the submissions of the appellant on this issue, I consider that the weight of evidence, on the balance of probability, is such that Coldthorn Wood is likely to have existed in 1600 and should be considered to be Ancient Woodland.
44. Natural England and the Forestry Commission have published joint standing advice² to be used when making planning decisions that may impact on Ancient Woodland. This explains that buffer zones can protect Ancient Woodland and can also provide a valuable habitat for woodland wildlife such as feeding bats. This advice sets out that a proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage and where the assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone.
45. At the planning application stage for the scheme under Appeal B, the Woodland Trust commented that a buffer zone of 20m was necessary including because the housing scheme would abut the woodland on three sides. At that time, the

² Ancient Woodland, ancient trees and veteran trees: advice for making planning decisions – 14 January 2022.

layout showed the buffer to the northern boundary with the woodland was less than 15m, and 15m on the other two sides. The scheme was refused because of the likely adverse impact on the Ancient Woodland.

46. I have accepted that layout can now be a reserved matter. At this appeal stage an illustrative plan has been submitted which shows that a layout with the up to 32 dwelling scheme (30 new build dwellings) could be accommodated on the site with a 15m buffer on the three sides to the Ancient Woodland. While this may not be the final layout at the reserved matters stage, it does demonstrate that up to 30 new build units could be accommodated on the site with a 15m buffer to the woodland.
47. The appellant has consulted with The Woodland Trust on this illustrative plan and sought its views on whether it would be acceptable. The Woodland Trust was the body which sought and succeeded to have quashed the previous decisions on the Ancient Woodland issue and therefore has knowledge of the issues in this case. The Woodland Trust responded to say that it was pleased to understand that the appellant would be implementing a 15 metre buffer to the Ancient Woodland in line with Government guidance and as such The Woodland Trust has no further comments to make on the proposals so long as a 15m buffer zone is in place between the Ancient Woodland and the development.
48. I also note that the Council has accepted a 15m buffer to Coldthorn Wood with the Oaklands scheme where it adjoins one section of the Wood and a 15m buffer with the Summer Hill scheme where that proposed housing would adjoin two parts of the woodland. In this case, the up to 30 units would adjoin three sides of the woodland but the quantum of dwellings is substantially less.
49. I have carefully considered the original reasons for seeking a wider buffer zone which was set out by The Woodland Trust and which the Council has maintained throughout Appeal B. However, I consider that given the size of the development that a 15m buffer zone, especially given the acceptance of this by The Woodland Trust, would be satisfactory to protect Coldthorn Wood. The evidence does not demonstrate to me that the impacts of the scheme, with the addition of appropriate conditions as part of any approval, would harmfully and materially extend beyond the 15m distance.
50. In any approval for Appeal B, it would be necessary for planning conditions to specify a minimum 15m buffer zone and that to accord with the standing advice it should state that the buffer zone should consist of semi-natural habitats such as woodland and/or a mix of scrub, grassland, heathland and/or wetland and, in particular, that the buffer zones would not include gardens, or part of a residential curtilage for the avoidance of doubt. The appropriate landscaping and management of these buffer zones would provide an opportunity to improve biodiversity compared with the present grazed paddocks along these boundaries.
51. With Appeal A, Plot 3 would adjoin the woodland and a 15m buffer zone is identified on the layout plan. A condition, as part of any approval, preventing that buffer zone area being used as garden or forming part of a residential curtilage would provide a suitable safeguard.
52. With these safeguards, I conclude that I am satisfied that the Ancient Woodland would not be adversely effected by either scheme. The proposals would not, therefore, conflict with saved Policies EN12 and EN13 of the Local

Plan, Policies SPO1, SPO2 and WCS12 of the Core Strategy or with the Framework in terms of the approach to the protection of woodland.

Habitats and protected species

53. The appeal sites would discharge water to the Pevensey Levels Special Area of Conservation (SAC) and Ramsar site. The Pevensey Levels are a large and expansive grazing marsh and the SAC is principally designated for the protection of the Ramshorn Snail. The Levels are sensitive to changes in water levels and quality, and eutrophication.
54. The Council's Appropriate Assessment indicates that there could be significant effects from the proposals, in combination with other proposals, to the integrity of the SAC and Ramsar site. However, subject to a two stage surface water treatment and control of flow rates to mitigate any increased surface water runoff flows and contaminant loads, Natural England raise no objections. The Council considers that appropriate drainage could be secured for the lifetime of the development by planning conditions.
55. The appeal sites are at the far end of the catchment area of the Pevensey Levels and I see no reason, subject to the imposition of suitable conditions in any approvals, to reach different conclusions to those of the Council and Natural England. Additionally, the appeal sites are beyond the distance where it is likely that future occupants would use the Ashdown Forest for recreation purposes or where there would be effects arising in relation to air quality.
56. It follows that I am able to conclude that the proposals, either alone or in combination with other schemes, would not have a significant and adverse effect on the integrity of the Pevensey Levels SAC and Ramsar site. Consequently, I conclude that the proposals would meet with the legislative requirements of the Conservation of Habitats and Species Regulations 2017.
57. Reports and surveys have been undertaken in relation to protected species in and around the appeal sites. The results show that there are moderate levels of bat activity including associated with the woodland edge habitat. These edge areas and the fields are of value at the local level providing connectivity between woodland and agricultural land in the wider area and providing a sustenance zone for a known maternity roost.
58. Five buildings were surveyed and evidence was found of at least one bat roost in Coldthorn Barn (Building 1) and bat activity/potential in the outbuilding near Coldthorn Lane (Building 2) and the other larger outbuilding (Building 4). Further surveys would be required to fully identify and assess the impacts of the Appeal B proposal in relation to these buildings although both Building 1 and 2 would be retained and therefore there is no substantive reason why any bats should be materially affected in these buildings. There could be an issue in relation to Building 4 with both schemes as it would be demolished as part of the proposals. However, the report indicates that no bats emerged when an emergence survey³ was undertaken for this building so the likely absence of a bat roost is confirmed.
59. An application to Natural England for an European Protected Species Mitigation (EPSM) Licence is likely to be required for both proposals together with formal

³ Bat Roost Characterisation Survey Report and Summarised Bat Mitigation Strategy – CT Ecology – 11 August 2020 (Revision 3).

mitigation and compensation strategy in relation to bats. These should include connectivity to adjacent habitats, linear features (existing and proposed) to maintain current flight lines and commuting routes to and from the confirmed roost (and any other roost that may be found) during and after development together with an ecologically sensitive lighting schemes that is sympathetic to bats. With the 15m buffer zones, the retention of Buildings 1 and 2, and the ability at the reserved matters stage with Appeal B to provide a bat sensitive layout, I consider that a satisfactory development would be able to be achieved for both proposals that would meet the requirements for bat protection.

60. Great crested newts have been found to be breeding in ponds in/near the appeal sites and it can be assumed that a medium population may pass through the site between breeding ponds. I am satisfied that with an appropriate planting scheme for the buffer zones in relation to Appeal B that the passage of newts through the site would not be adversely effected. In any case, an application to Natural England for an EPSM Licence or the alternative District Level Licensing Scheme would be likely to be required before works could go ahead. Such an application would need to include detailed measures to mitigate the impacts of the development on great crested newts and a formal 60 day translocation of this species from any of the proposed working areas together with the installation of newt exclusion fencing around the perimeter of the working area.
61. In the light of the above analysis, I conclude that subject to appropriate planning conditions, any further survey work and the necessary Licenses, that the proposed developments would not unacceptably harm habitats or protected species. The schemes would therefore accord with Policies SPO1, SPO2 and WSC12 of the Core Strategy and the Framework which set out principles and approaches for the protection of wildlife and habitats.

Planning Agreement

62. The UU provides for a number of obligations in respect of Appeal B. The provision of 35% of the units as affordable housing, with the tenure as proposed, would be necessary to meet with the requirements of the Affordable Housing Delivery Local Plan 2016.
63. The Bus Service Contribution could help to improve the frequency, times and days of the local bus service and make bus travel a more attractive and realistic option for occupants of the development, in the interests of sustainable travel. The Traffic Regulation Order Contribution would lead to the reduction in the speed limit within parts of Coldthorn Lane and therefore help make the Lane more attractive and safer for walkers and cyclists, again in the interests of promoting sustainable transport options. The proposed highway works within Coldthorn Lane would help accommodate the additional traffic and facilitate walking to and from Ersham Road.
64. I am satisfied that each planning obligation, alone and in combination, would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The planning obligations would meet with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and I attach them full weight.

Other Matters

65. I have taken into account all the objections to the schemes, including from local residents, and Hailsham Town Council in respect of the scheme under Appeal B. In terms of some of the main issues, such as highway safety, character and appearance and protected species and woodland, I have considered these matters above.
66. In terms of the relationship of the developments to neighbours, I am satisfied with Appeal A that the provision of the single storey dwelling closest to Coldthorn Cottage would ensure that there would be no material level of overlooking by the occupants of this new property to the existing neighbour. The layout for Appeal B at the reserved matters stage could ensure that the living conditions of the occupants of Coldthorn Cottage would not be unacceptably diminished by the scheme.
67. There are concerns raised regarding shortcomings with local infrastructure and it is understood that the Community Infrastructure Levy would, in due course, provide highway improvements to the Ersham Road/Diplocks Way/South Road junction, and improved health facilities. Also in terms of foul water disposal, Southern Water raise no objection to the proposals. Consequently, these issues do not weigh to a material extent against the housing.
68. Residents have indicated that flooding takes place on Coldthorn Lane. Both appeal proposals would incorporate appropriate drainage systems to minimise surface water runoff and full details and implementation can be secured by planning conditions. In addition, with Appeal B, there seems no technical reason why the proposed highway works between the site and the Oaklands development would not be able to accommodate effective drainage. This would not address any flooding that may occur beyond the site towards Summer Hill Lane, however, that is not an issue which would be caused or exacerbated by the schemes for consideration and it is not for a particular development to resolve existing local problems.

Planning Balance

69. With both appeals the location of the proposed housing on a site outside the development boundary would conflict with the spatial strategy and, in particular, saved Policies GD2 and DC17 of the Local Plan.
70. With Appeal A, there would be conflict with saved Policies EN1 and EN2 of the Local Plan and Policies SPO7 and SPO8 of the Core Strategy because the occupants of the site for the three dwellings would not have ready accessibility to services and facilities by a range of transport modes.
71. With Appeal B, the scheme, with the highway improvements and other transport contributions is considered to be suitably accessible, but the proposal would cause harm to the character and appearance of the area. This would conflict with saved Policies EN1, EN8 and EN27 of the Local Plan, Policy SPO13 of the Core Strategy and Policies HAIL D1 and SD2 of the Hailsham NP.
72. Because of the conflict with the policies set out above, I consider that each scheme, for the reasons identified, would conflict with the development plan when considered as a whole.

73. It is accepted by the main parties that the Council is unable to demonstrate a five year supply of deliverable housing land. The Council consider the supply to be 3.92 years and the appellant 3.04 years. Both, however, agree that the shortfall is significant and I agree. The policies which control the supply of housing are deemed out of date.
74. In these circumstances, the presumption in favour of sustainable development as set out in paragraph 11d of the Framework is engaged. Because I have found that the schemes would not adversely affect the Ancient Woodland, I am satisfied that with both appeals there are no policies in the Framework that protect areas or assets of particular importance that would provide a clear reason for refusing the development proposed. Consequently, in these circumstances, paragraph 11d indicates that planning permission should be granted for each appeal proposal unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
75. Considering Appeal A first, the development would deliver three additional units to the stock of housing and, therefore, would make a small, but worthwhile, contribution to housing supply. There would be economic and social benefits to the area with the construction work, although for a limited period, and then in the subsequent occupation. Taken together I attribute the benefits of the scheme moderate weight.
76. On the other hand, the location of the development would be outside the development boundary and would conflict with the associated policies. However, because of the housing land supply position I attach this conflict limited weight, and indeed the Council has permitted substantial housing developments beyond the development boundary in the vicinity of the site.
77. The road conditions that link the site to Ersham Road would discourage walking and cycling for some and, therefore, lead to a likely dependence on the private vehicle to access services and facilities on most occasions. However, I am conscious that the site is not far from the town centre of Hailsham and that the movements associated with three dwellings would be reasonably limited. It would also be possible, despite the condition of Coldthorn Lane, for some occupants to access local services and facilities by walking or cycling along the Lane. Furthermore, the Framework explains that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making. Overall, I consider that the accessibility concerns should merit moderate weight against the scheme.
78. Drawing these points together for Appeal A, the benefits of the scheme merit moderate weight in favour of approval and the cumulative harms and conflicts with policy merit moderate weight against the proposal. When applying the requirements of paragraph 11d of the Framework, I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. As a consequence, the proposal would constitute sustainable development and this weighs heavily in favour of the scheme. The scheme would therefore comply with Policy WSC14 of the Core Strategy which concerns the development plan approach to sustainable development.

79. For the reasons given above, when considering the overall planning balance, material planning considerations, including that the Appeal A scheme would constitute sustainable development in terms of the Framework, indicate that a decision should be made otherwise than in accordance with the development plan. Planning permission should therefore be granted for Appeal A.
80. With the Appeal B proposal, the development would deliver up to 32 dwellings (net 31 as Coldthorn Barn is an existing dwelling). This would provide a valuable contribution towards housing supply in a location which is considered, with the highway improvements and contributions, to be an accessible location. In the circumstances of the housing land supply position, I attribute this benefit substantial weight. The scheme would also provide a policy compliant 35% level of affordable housing, which was confirmed at the hearing to be 11 units for a scheme that delivers the full housing numbers indicated. The evidence indicates a long standing under provision of affordable housing and I attribute the delivery of the affordable housing substantial weight in its own right.
81. The development would deliver economic and social benefits in proportion with the housing numbers. The construction benefits would be time limited but during that period fairly significant and there would be benefits to the area with the subsequent occupation. I attribute these economic and social benefits significant weight in favour of approval.
82. I am satisfied that the layout concerns of the Council could be addressed at the reserved matters stage, and that the impacts on the non-designated heritage assets, Ancient Woodland, and species and habitats, and any issue with potential crime and the positioning of the dwellings, would be acceptable, subject to details at the reserved matters stage. I find no substantive conflict with Policy WSC6 of the Core Strategy which concerns housing in rural settlements.
83. The UU would provide a number of obligations and I have examined the affordable housing matters above. In terms of the highway and transport obligations, these are necessary but largely mitigate the effects of the development and are required to make it acceptable. They would, nevertheless, provide some wider benefit, as for instance, the works to Coldthorn Lane would make it more accessible for other local residents. I attribute these highway and transport obligations limited weight as a benefit of the development.
84. Cumulatively the benefits of the scheme under Appeal B should be attributed substantial weight.
85. When considering the harms and policy conflicts, I have already concluded that the location of the site beyond the development boundary and related policy conflict should be attributed limited weight. With this scheme there would also be harm to the character and appearance of the area. To meet its housing figures, it is likely that greenfield sites will be required and with large parts of the District within the Area of Outstanding Natural Beauty, areas outside this designated area are likely to be part of the focus of search. The appeal site is one such type of site and, in this case, the housing would be provided in an accessible location to Hailsham, a District Centre. Planning permission has been granted for residential schemes in the general area which it is agreed are likely to go ahead. In these circumstances, the scheme would harm the intrinsic character and appearance of this part of the countryside to a moderate extent.

86. Taking all the harms and policy conflicts together, I consider that they weigh to a moderate extent against the development proposed by the Appeal B scheme.
87. Concluding on these matters with Appeal B, the benefits of the scheme merit substantial weight in favour of approval and the cumulative harms and conflicts with policy merit moderate weight against the proposal. When applying the requirements of paragraph 11d of the Framework, I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. As a consequence, the proposal would constitute sustainable development and this again weighs heavily in favour of the scheme. The proposal would therefore comply with Policy WSC14 of the Core Strategy which concerns the development plan approach to sustainable development.
88. For the reasons given above, when considering the overall planning balance, material planning considerations, including that the Appeal B scheme would constitute sustainable development in terms of the Framework, clearly indicate that a decision should be made otherwise than in accordance with the development plan. Planning permission should therefore be granted for Appeal B.

Conditions

89. Without prejudice to the Council's case, I have had regard to the conditions set out in the Statement of Common Ground and discussed at the hearing, and the advice in the Planning Practice Guidance. I have amended the wording where necessary in the interests of clarity or to meet the tests in the Guidance.
90. With Appeal A, in addition to the statutory time condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of certainty. I have not found sufficient evidence, for a scheme that would deliver three dwellings, to justify varying the three year commencement period.
91. Condition 3 is necessary to ensure that the development is built and operated in an energy and resource efficient and sustainable manner. Conditions which cover tree/woodland protection (4), ecological protection (13), landscaping (14), external lighting (16) and the woodland buffer zone (18) are necessary in the interests of biodiversity protection and enhancement.
92. A condition requiring a Construction Management Plan (5) is necessary to ensure that the construction works take place with as little disruption to the amenities of the area as possible. Conditions concerning the archaeology (6 and 7) are necessary to ensure that investigations take place and finds are recorded in the interests of understanding and protecting the historic environment.
93. Condition 8 concerning foul and surface water drainage is necessary in the interests of protecting the amenities of the area and preventing flooding. Conditions concerning the submission of external materials (9), boundary treatments (12) and bins (17) are necessary in the interests of the character and appearance of the area.
94. Conditions 10 and 11 are necessary in the interests of highway safety and the provision of adequate parking. Exceptionally, removal of some permitted

- development rights (15) is necessary to control development to dwellings and within the curtilage in the interests of protecting the adjoining woodland and bat conservation.
95. With respect to Appeal A, conditions 4, 5 and 6 are required to be pre-commencement conditions because the nature of these matters need to be agreed and in place from the outset.
96. With Appeal B, the standard outline conditions are necessary together with the approved plan. The Council has suggested a one year period for the submission of reserved matters and then one year for commencement to facilitate the delivery of the housing to meet targets. Having heard the discussion at the hearing and the need for a reasonable period for the submission of details and preparation of works, I consider that two years for each element of the condition would be the most appropriate in this case. This would be reasonable while at the same time would help to expedite delivery of housing at a level that would make a material difference to supply.
97. Conditions are required for drainage details (3), surface water details (4), maintenance and management of drainage systems (5), details to manage flood risk (6), evidence of drainage construction (7) and road details (13) to ensure that drainage is appropriately designed to prevent flooding.
98. To ensure that the access is provided and maintained in the interests of highway safety, conditions 8 and 9 are necessary. Conditions concerning the parking spaces (10) and new estate road(s) (11) are necessary in the interests of the convenience of users and highway safety. A Travel Plan (12) is necessary to encourage sustainable travel options for occupants of the development.
99. A condition requiring a Construction Management Plan (14) is necessary to ensure that the construction works take place with as little disruption to the amenities of the area as possible. Conditions which cover external lighting (15), a Wildlife Management Plan (18), a scheme of ecological enhancements (19) an Arboricultural Method Statement (20), protection of trees/hedgerows (21) and woodland buffer zone (23) are all necessary in the interests of biodiversity protection and enhancement.
100. Conditions concerning archaeology (16 and 17) are necessary to ensure that investigations take place and finds are recorded in the interests of understanding and protecting the historic environment.
101. A condition (22) requiring the submission and agreement of details of the subdivision of Coldthorn Barn is necessary in the interests of the protection of this non-designated heritage asset and bat conservation. Finally a condition (24) that requires the provision of a footway to Ersham Road, in the event that the Oaklands development does not go ahead, is necessary in the interests of highway safety and the provision of sustainable travel options.
102. With respect to Appeal B, conditions 3, 5, 8, 13, 14, 16, 20 and 23 are required to be pre-commencement conditions. This is because, for instance, they involve such matters as construction management, highway safety, tree/woodland protection, key drainage details and archaeology that either need to be in place or agreed from the outset of works.

Conclusion

103. For the reasons given above, I conclude that both appeals should succeed and planning permission should be granted for the proposals under Appeals A and B.

David Wyborn

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT

Mr Mark Best	Parker Dann Planning Consultants
Mr Karl Goodbun	Ecology Solutions
Miss Lauren Richards	TA Homes (Land) Ltd
Mr Rob Raymond	TA Homes (Land) Ltd

FOR THE LOCAL PLANNING AUTHORITY

Miss Caitlin Boddy	Wealden District Council
Mr Ben Rainbow	Wealden District Council

INTERESTED PARTIES

Cllr Mrs Anne Blake-Coggins	Wealden District Council
Mr Clive Bracey	Local Resident
Mrs Hilary Bull	Local Resident
Mr Chris Rasmussen	Owner of Coldthorn Barn

DOCUMENTS SUBMITTED AT THE HEARING

1. Submissions from Mr Rasmussen including letter of 16 February 2023 and plans of conversion of Coldthorn Barn approved on 25 June 1930.

Appeal A – Schedule of Conditions

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development hereby approved shall be carried out in accordance with the approved plans: 2018/094/PL13 Rev D, 2018/094/PL14 Rev A, 2018/094/PL15 Rev A, 2018/094/PL16 Rev A and 2018/094/PL18 Rev B.
3. Before preparation of any groundworks or foundations for the development hereby approved, full details for the incorporation of water and energy efficiency measures; the promotion of renewable energy; charging points for electric vehicles within dwelling plots and any visitor parking areas; and sustainable construction within the development; shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and thereafter so retained.
4. No development shall commence on site, including demolition, until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012 and the 15m buffer zone to the adjacent woodland. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.
5. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide appropriate details including but not restricted to the following matters:
 - a. the anticipated number, frequency and types of vehicles used during construction,
 - b. the method of access and egress and routeing of vehicles during construction,
 - c. the parking of vehicles by site operatives and visitors,
 - d. the loading and unloading of plant, materials and waste,
 - e. the storage of plant and materials used in construction of the development,
 - f. the erection and maintenance of security hoarding,
 - g. the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

- h. details of public engagement both prior to and during construction works.
6. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
 7. No part of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that part has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment shall be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 6.
 8. Before preparation of ground levels of the development hereby permitted full details of the proposed means of foul and surface water 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 the site.
 9. Notwithstanding the details as submitted, prior to development above slab level a schedule of external materials indicating types, colours and finishes of bricks and tiles, fascia boards, soffits, windows and doors, to be used in respect of the development hereby permitted, shall be submitted to and be approved in writing by the Local Planning Authority, and the approved materials shall be used in the implementation of the development and thereafter so retained.
 10. The access hereby approved shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.
 11. The proposed parking spaces shall measure at least 2.5m by 5m (with an additional 50cm where the width of a space abuts a wall).
 12. Prior to first occupation of any residential unit hereby permitted, details of proposed boundary treatments and gates to be used in the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
 13. The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures as detailed in the recommendations section of the submitted Great Crested Newt and Bat Activity Transect Report, the Bat Roost Characterisation Survey Report and Summarised Bat Mitigation Strategy, the Preliminary Ecological Appraisal and the Preliminary Bat Roost Assessment, all produced by CT Ecology and date stamped 7/5/2020 by the Local Planning Authority.
 14. Prior to the occupation of any dwelling, a scheme of hard and soft landscape proposals shall be submitted to and approved in writing by the Local

Planning Authority, which shall include full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained together with measures for their protection in the course of the development.

The submitted and approved landscaping scheme shall include, for the section of the 15m Woodland Buffer Zone shown to the north of the post and rail fence of Plot 3 as shown on Drawing No 2018/094/PL13 revision D, that this is landscaped either as woodland or a mix of scrub, grassland, heathland and/or wetland.

All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

All hard landscaping comprised in the approved details of landscaping shall be carried out before the completion or first occupation of the development whichever is the sooner.

15. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A, B, C, D inclusive of that Order, shall be erected or undertaken on the site.
16. Details of any floodlighting, security lighting or other external means of illumination of the site to be installed or operated in the development, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall provide for lighting that is low level, hooded and directional. The development hereby permitted shall be implemented in accordance with the approved details and retained thereafter.
17. Prior to first occupation of any residential unit hereby permitted, details of the bin presentation point shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained for that use in perpetuity.
18. The section of the 15m Woodland Buffer Zone shown to the north of the post and rail fence of Plot 3, as shown on Drawing No 2018/094/PL13 revision D, shall not be used as a garden or form part of the residential curtilage to Plot 3 or any other residential property.

End of Schedule of Appeal A Conditions

Appeal B – Schedule of Conditions

1. Notwithstanding the description of development stated on the planning application form, details of access and layout as shown on plan Ref 2018/094/PL3 Rev K were withdrawn and do not form part of this permission. Details of the access, 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 begins and the development shall be carried out as approved.
 - (i) Application for approval of the matters reserved for subsequent approval must be made to the Local Planning Authority no later than the expiration of two years beginning with the date of the grant of this outline permission; and
 - ii) the development to which this permission relates must be begun no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The development hereby approved shall be carried out in accordance with the site location plan 2018/094/PL1 Rev B.
3. Prior to the commencement of development, details of the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:
 - a. Surface water runoff from the proposed development shall be limited to 2.5 l/s (as detailed in the drainage strategy) for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this in the form of hydraulic calculations shall be submitted with the detailed drainage drawings. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features.
 - b. The details of the outfall of the proposed attenuation pond and how it connects into the watercourse or highway drains shall be submitted as part of a detailed design including cross sections and invert levels. Evidence that East Sussex Highways has agreed to the connection and discharge rate shall be provided with any proposed connection to the highway drains.
 - c. The detailed design of the attenuation pond shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
 - d. Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority. This should also include details of how the existing overland surface water flows have been retained.

The development shall be carried out in accordance with the approved details.

4. Prior to the construction of the outfall, a survey of the condition of the ditch/ordinary watercourse which will take surface water runoff from the development shall be investigated. Results of the survey together with a scheme for any improvement works that may be required shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse shall be implemented in accordance with the approved scheme.
5. Prior to the commencement of the development hereby permitted, a Maintenance and Management Plan for the entire drainage system shall be submitted to the Local Planning Authority and approved in writing to ensure the drainage system takes into account the design standards of those responsible for maintenance. The Maintenance and Management Plan shall include the following:
 - i. The plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - ii. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

The development shall be carried out in accordance with the approved Maintenance and Management Plan and shall thereafter remain in place for the lifetime of the development.

6. Details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development. The development shall be carried out in accordance with the approved measures for the entirety of the construction phase.
7. Prior to first occupation of the development hereby permitted, evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
8. Development shall not take place until full details of the vehicular access serving the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority and as amended as part of the s278 agreement and detailed design. The development shall not be occupied until the vehicular access has been constructed in accordance with the approved details. The vehicular access shall thereafter be retained.
9. The access shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.
10. The proposed parking spaces shall measure at least 2.5m by 5m (with an additional 50cm where the width of a space abuts a wall).

11. The new estate road(s) shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as publicly maintained highway.
12. No part of the development shall be occupied until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority, and in accordance with the comments within the ESCC Highways Consultation response dated 16/09/20. The approved Travel Plan shall thereafter be implemented as specified.
13. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads, surface water drainage, outfall disposal and any street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall be carried out in accordance with the approved details.
14. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide appropriate details including but not restricted to the following matters:
 - a. the anticipated number, frequency and types of vehicles used during construction,
 - b. the method of access and egress and routeing of vehicles during construction,
 - c. the parking of vehicles by site operatives and visitors,
 - d. the loading and unloading of plant, materials and waste,
 - e. the storage of plant and materials used in construction of the development,
 - f. the erection and maintenance of security hoarding,
 - g. the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - h. details of public engagement both prior to and during construction works.
15. Details of any floodlighting, security lighting or other external means of illumination of the site to be installed or operated in the development, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall provide for lighting that is low level, hooded and directional. The development hereby permitted shall be implemented in accordance with the approved details and retained thereafter.

16. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
17. No part of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that part has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment shall be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 16.
18. Before preparation of ground levels for the development hereby permitted a Wildlife Management Plan shall be submitted to and approved in writing by the Local Planning Authority, to include as appropriate detailed proposals and a timetable for the protection of bats, birds, reptiles, great crested newts and badgers, and measures for the mitigation of any harm to them likely to be caused by the development. The works and other measures forming part of that approved Plan shall be carried out in accordance with it.
19. Prior to preparation of ground levels for the construction of the development hereby permitted, a scheme of ecological enhancements, to include timescales for implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.
20. Before development commences 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, confirm root protection areas, tree protection measures, 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.
21. No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the Local Planning Authority:-
 - (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow
 - (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.
 - (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.

(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 hedgerow 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 hedgerow.

(vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'.

22. Prior to works taking place to subdivide the existing dwelling known as Coldthorn Barn, full plans and elevations detailing the manner of the subdivision shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
23. Prior to the commencement of development, a planting and management plan for the Woodland Buffer Zone, to include a timetable for implementation, full details of management responsibilities and a maintenance schedule, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include all measures to guard against access to the adjacent woodland.

The Woodland Buffer Zone shall extend along the northern, western and southern sides of the development and shall be at least 15m wide. For the avoidance of doubt there shall be no garden or residential curtilage areas that extend into any part of the Woodland Buffer Zone.

Prior to the first occupation of any of the dwellings hereby permitted the approved planting and management plan shall be implemented for the period specified.

24. In the event that the Oaklands Development as referred to in Schedule 4 Part 2 of the Legal Agreement dated 18th March 2022 (and as permitted under planning Ref WD/2017/2085 or any amendment thereof) has not begun, then the development shall not proceed until a plan showing a full length of footway from the site of the development hereby permitted to Ersham Road has been submitted and approved in writing by the Local Planning Authority. The approved footway shall be completed prior to the occupation of any part of the development hereby permitted.

End of Schedule of Appeal B conditions