



Appeal Decision

Hearing Held on 10 October 2023

Site visit made on 10 October 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2024

Appeal Ref: APP/T0355/W/22/3313566

Bellman Hangar, Shurlock Row, Reading RG10 0PL

- 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 Shanly Homes against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/00270/FULL, dated 3 February 2022, was refused by notice dated 18 August 2022.
 - The development proposed is erection of 12no. dwellings with associated parking and landscaping and the retention of the existing access road following the demolition of the existing buildings, warehouse, external storage areas and hardstanding.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 12no. dwellings with associated parking and landscaping and the retention of the existing access road following the demolition of the existing buildings, warehouse, external storage areas and hardstanding at Bellman Hangar, Shurlock Row, Reading, RG10 0PL in accordance with the terms of the application, Ref 22/00270/FULL, dated 3 February 2022, subject to the conditions set out in the Schedule at the end of this decision.

Preliminary Matters

2. The description of the development on the planning application form differs **from that given on the Council's decision notice and the appeal form. The** wording as given on the decision notice was agreed by the main parties at the Hearing, and I have therefore used the agreed wording in my Decision.
3. Prior to the Hearing, it became apparent that **the appellant's updated** Statement of Case had not been published **on the Council's website and that** interested parties may not have had the opportunity to consider it. The **appellant's evidence** was subsequently made available, and a further round of notification was undertaken. I am satisfied that all interested parties have had sufficient opportunity to consider and comment on the **appellant's Statement of Case**.
4. Prior to the Hearing, the appellant submitted amended plans which included a reduction in the boundary of the appeal site. This stemmed from uncertainty in relation to part of the site which is in a different title to the remainder of the site. The reduced boundary resulted in amendments to the design of the dwelling on Plot 7 and the adjacent turning head. A minor amendment was also

made to the dwelling on Plot 8 involving the removal of a chimney. Following the Hearing, further amended plans were submitted including access to the garden of Plot 11. I consider that collectively these matters represent a minor amendment to the submitted plans, and that no interested party would be prejudiced if I proceed to determine this appeal based on the amendments. That said, the amended plans raise matters in relation to boundary treatments and biodiversity, which I will return to later in my decision.

5. A signed and completed Unilateral Undertaking (UU) has been submitted in respect of matters including carbon offset provisions and the provision of affordable housing. In respect of those matters, the UU meets the tests set out in paragraph 57 of the Framework, and I have proceeded to determine this appeal giving due consideration to those parts of the UU.
6. A revised version of the National Planning Policy Framework (the Framework) and the 2022 Housing Delivery Test (HDT) results were published in December 2023. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the comments, the Framework and the HDT in reaching my decision.
7. Following the Hearing, further evidence has been submitted by both main parties. However, this relates to matters of detail and clarification on issues that were raised at the Hearing. I am satisfied that both main parties and appropriate consultees have had sufficient opportunity to comment on this late evidence and that I have sufficient evidence on which to reach a decision.

Background and Main Issues

8. The appeal site is a commercial premises used for storage. The most prominent feature within the site is the Bellman Hangar, which is a building of a significant bulk and massing. There are also several smaller built structures within the site as well as areas used for external storage and circulation.
9. The site is located in the countryside on a road leading to a hamlet built around the roads of Shurlock Row and Shurlock Road. Despite the site's proximity to residential and other development along Shurlock Row, the site is distinctly separate from the nearby settlement.
10. Planning permission was granted in 2015¹ for the erection of 3 dwellings on the site following the demolition of existing buildings and hardstanding. The 3 detached dwellings were to be constructed within the footprint of the hangar with access roads and landscaping, including gardens, extending across the site. There was some dispute between the main parties as to whether this development has commenced. There is no formal confirmation before me that this previous permission has been lawfully commenced. However, based on evidence submitted by the appellant, including in respect of discharged conditions, the Council now accepts that this development could have lawfully commenced prior to the 3-year time period lapsing. Based on the evidence before me, I therefore give this previous permission significant weight as a fallback scheme.
11. The Environment Agency (EA) had objected to the appeal proposal on various grounds including evidence relating to the flood zone classification of the site and the lack of a site-specific fluvial flood risk assessment. Although flood risk

¹ Application Ref: 14/03036/FULL

was **not referred to in the Council's reasons for refusal**, based on **the EA's** objections I identified this as a main issue in the pre-Hearing note. However, the appellant has submitted further evidence on this matter and subsequently the EA has confirmed that it has withdrawn its objection to the proposed development on fluvial flood risk grounds. I do not therefore consider that flood risk remains as a main issue in my consideration of this appeal.

12. On the basis of the above, the main issues are:

- The provision of affordable housing;
- Whether the proposal would be inappropriate development in the Green Belt, with due regard to openness;
- Character and appearance;
- Carbon offset; and
- Other considerations relevant to the planning balance.

Reasons

Affordable Housing

13. Policy HO3 of the Borough Local Plan 2022 (the Local Plan) sets out that developments which propose 10 dwellings or more on sites such as the appeal site should provide at least 30% of affordable housing. The Policy states that the affordable housing should be made up of 45% Social Rent, 35% Affordable Rent and 20% Intermediate Tenure; although this mix is based on evidence² dating from 2016.
14. The 30% overall provision required by Policy HO3 would represent 3.6 dwellings in respect of the appeal proposal. It was originally proposed that this would consist of 3 shared ownership dwellings on-site, with a financial contribution for the remaining 0.6 dwellings. The Council concluded that this would be compliant with Policy HO3.
15. **However, notwithstanding the Council's** conclusions in respect of Policy HO3, the mix of affordable housing as originally proposed would not reflect that stated in the policy. Furthermore, all the proposed on-site affordable housing would have been within the category identified as being within the lowest need. The Council also refers to advice from its Housing Enabling Officer who, with reference to the Housing Register and an associated survey, considered that the provision of shared ownership units would not deliver the tenure to meet **affordable housing need in the Council's area**.
16. This was raised during the Hearing, and the appellant indicated that the provision of 1 affordable rented dwelling could be considered, and this is reflected in the UU. The off-site contribution could also be put to the provision of social rent housing. This would mean that at least some contribution could be made to all the forms of affordable housing referred to in Policy HO3.
17. The mix of affordable housing proposed would still not directly mirror that stated in Policy HO3. Nevertheless, the evidence base justifying the split of affordable housing in Policy HO3 is of some age. Given that the Council has

² Berkshire Strategic Housing Market Assessment 2016

accepted that the proposal originally complied with Policy HO3 and the lack of an up to date and objective assessment in respect of affordable housing need, this reduces the weight I give to the mix of affordable housing set out in Policy HO3. I am also mindful of the constraints of the relatively modest number of dwellings proposed as there is limited flexibility when allocating numbers to differing forms of affordable housing.

18. Notwithstanding the mix of tenure, the on-site affordable housing would consist of 3-bedroom family dwellings. The contribution of the proposal to meeting an identified need for affordable family accommodation also weighs in favour of the appeal.
19. The Framework states that a need for affordable housing should be met on-site unless an appropriate financial contribution in lieu can be robustly justified. However, the provision of a further affordable dwelling on-site to represent 0.6 of a dwelling would be disproportionate to the scale of the proposal, and I consider that this represents a robust justification for a financial contribution in this instance. This also reflects paragraph 7.7.7 of the Local Plan which accepts that financial contributions should be used for fractions of affordable housing units required on site.
20. On the basis that 3 affordable family houses would be provided as 2 shared ownership dwellings and 1 affordable rented dwelling³, as well as an affordable housing contribution, I conclude that the proposal would make suitable provision for affordable housing and would comply with Policy HO3 of the Local Plan.

Whether Inappropriate Development

21. The appeal site is located within the Green Belt. Paragraph 154 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions.
22. The second strand of paragraph 154(g) of the Framework sets out that one such exception relates to limited infilling or the partial or complete redevelopment of previously developed land (PDL) which would not cause substantial harm to the openness of the Green Belt and contribute to meeting an identified affordable housing need within the area of the local planning authority.
23. It is common ground between the main parties that the site is PDL. The Framework sets out that PDL is land which is or was occupied by a permanent structure, including the curtilage of the developed land.
24. However, comments from third parties contend that the Bellman Hangar should be considered to be a temporary building, and refer to this being a temporary aircraft hangar capable of being erected or dismantled by unskilled labour and easily transportable. However, the hangar is a substantial structure which the evidence suggests has been in place since the 1940s. Although it may not have foundations in the traditional sense, it is set on a slab and permanently fixed to the site as I observed on my visit. As a matter of fact and degree, I conclude that the hangar is a permanent structure and that the appeal site is PDL.

³ Schedule 2, Part 1, Paragraph 1 of the UU

25. Turning to meeting an identified affordable housing need, the Council accepts that the proposal would comply with Policy HO3 of the Local plan in respect of the provision of affordable housing. I have also concluded that the proposal would comply with Policy HO3 if affordable housing is provided in accordance with the UU.
26. However, the Council contends that the proposal should not be assessed under the second part of paragraph 154(g) of the Framework as it would not meet an identified affordable housing need.
27. The Council considers that 4 affordable dwellings should be provided on site as this would cover the whole of the 30% requirement of Policy HO3. However, the wording of paragraph 154(g) of the Framework is '**contribute to meeting an identified affordable housing need**'. It does not specify that compliance is dependent on housing of a mix or location which goes beyond that set out in development plan policy. Given that the Council has concluded that an off-site contribution would be reasonable for the fraction of an affordable unit under Policy HO3, as have I, then I conclude that the proposal should be assessed against Paragraph 154(g).
28. The proposal would not mirror the mix of affordable housing tenures as set out in Policy HO3. However, I have concluded that an amended mix as set out in the UU would make suitable provision for affordable housing. The difference in the mix of tenures is not of a degree which would negate the proposal's compliance with paragraph 154(g) in respect of contributing to a local need.
29. I conclude that the proposal would contribute towards meeting an identified affordable housing need within the area of the local planning authority. Therefore, the second strand of paragraph 154(g) is capable of being met, subject to my findings on the effect on openness.
30. The test under the second strand of paragraph 154(g) is whether the harm to **openness would be 'substantial'**.
31. The proposal would result in the removal of the hangar which is of a significant bulk and scale which would benefit the openness of the Green Belt. A number of smaller buildings would also be removed. External storage around the building was apparent on my visit which appeared to exceed the area permitted by a Certificate of Lawful Use⁴, and the Council emphasises that external storage is controlled by condition on the planning permission for storage use⁵. Nevertheless, the removal of items associated with lawful external storage would be of benefit to openness.
32. In comparison, the appeal proposal would reduce the volume and footprint of buildings as well as the extent of hardstanding. However, buildings would be spread across a greater extent of the site than the footprint of the hangar, and residential curtilages would increase the sense of enclosure. Even allowing for the removal of smaller existing buildings, the spread of built development resulting from the proposal would appear to be greater due to the massing and distribution of the individual dwellings. The height of most of the dwellings would also be greater than the height of the hangar, albeit to a limited degree. The hours of the operation of the existing site are controlled by condition, and the appeal proposal would increase the times of activity at the site.

⁴ Ref No: 12/01734

⁵ Ref: 99/34780/VAR

33. On balance, I conclude that the proposal would harm the openness of the Green Belt. However, given the scale and form of the buildings and associated activities that would be removed, I conclude that the harm to openness would be limited. The proposal would therefore not lead to substantial harm to the openness of the Green Belt as is referred to in paragraph 154(g) of the Framework.
34. I therefore conclude that the proposal would not be inappropriate development in the Green Belt under the second strand of Paragraph 154(g) of the Framework. The proposal would therefore not conflict with Policy QP5 of the Local Plan or the Framework in respect of protecting Green Belt land against inappropriate development.
35. I have found that the proposal would not be inappropriate development, and it is therefore not necessary to consider if very special circumstances exist. However, there are other considerations which are relevant to the planning balance and I will return to these later.

Character and Appearance

36. The appeal site is set within an area of countryside. Despite the rural location there is relatively extensive built development distributed through the area, which primarily consists of ribbon development fronting onto the highway or individual dwellings set in large plots. There are also a number of hamlets and small villages, although the appeal site is distinctly separate from these, including from a hamlet to the north.
37. The appeal proposal consists primarily of detached dwellings set around a cul-de-sac, with a short terrace of 3 dwellings located on a spur off the head of the access road. Although the individual dwellings are of a pleasant design, they are of a suburban appearance. In particular, the layout of the scheme is of a suburban character, consisting of a cul-de-sac projecting from the highway. The proposed access road may follow an existing access and circulation area, but this would not prevent the proposal appearing as a suburban form of development. The resultant development would therefore be of an incongruous suburban character projecting into this area of countryside.
38. Amendments to the site boundary add to my concerns about the proposal. The reduced boundary would be set in close proximity and even directly against part of the access road. This would include an extent of 2m high close boarded fence which would act as screening between the appeal site and an adjacent woodland. A post and rail fence would also be erected along the edge of the access road. This would give the site an unduly cramped and enclosed character, which the planting of a native hedgerow would do little to mitigate given the proximity of the means of enclosure to the edge of the highway.
39. That said, the existing large storage building and associated activity is of a commercial appearance which is at odds with the rural character of the area. The structures on the site and the means of enclosure are also of a utilitarian character. Although large utilitarian structures can be associated with agricultural and other rural uses, the appeal site and the buildings it contains are not of an agricultural or rural character. The removal of these buildings would therefore be a benefit of the proposal, although I am mindful that a development of a more suitable design and layout could still be provided on the site.

40. I am also mindful of the fallback scheme where planning permission has been granted for 3 dwellings. Although these would consist of large buildings set in individual plots, the layout would also be of a relatively suburban character with 2 dwellings set behind a dwelling to the front and accessed in part by a shared road. Although not as overtly suburban or cramped in appearance as the appeal proposal, the fallback scheme would still introduce dwellings and residential curtilage projecting behind frontage development.
41. The appellant has referred to forms of development in the wider area which it considers are similar to the appeal proposal. However, these are few and far between and do not establish a prevailing context which justifies the layout of the proposal. The closest example is Downfield Road, which differs from the appeal site in that it is viewed as part of an established cluster of built development. Even then, the incongruous appearance of this suburban form of cul-de-sac was apparent. Other examples I observed further served to confirm the incongruous appearance of this form of development in this area of countryside, such as the development on West End Lane.
42. Drawing the above together, due to its suburban appearance and cramped layout I conclude that the proposal would be harmful to the character and appearance of the area. However, given the existing appearance of the site and consideration of the fallback scheme, on balance that harm would only be of a moderate degree. Nevertheless, the proposal would conflict with Policies QP1 and QP3 of the Local Plan and Policies Env1 and Gen2 of the Hurley and the Walthams Neighbourhood Plan 2017 which seek to ensure that development is of quality design which respects the character and beauty of the countryside. The proposal would also be contrary to the advice of the Borough Wide Design Guide 2020 which seeks to ensure that development underpins distinctive and attractive places and the Framework which promotes well designed places.

Carbon Offset

43. In its reason for refusal on this issue, the Council has referred to the lack of a legal agreement to secure the carbon offset contribution for the scheme. However, in the Statement of Common Ground it is specified that this could be resolved through a suitably worded legal agreement.
44. Schedule 1 of the UU relates to carbon offset provisions. The Council has been provided with a copy of the completed UU for comment and has raised no further objection in respect of carbon offset. Based on the evidence before me, I conclude that the UU would secure a suitable carbon offset contribution for the scheme and that the proposal would therefore not conflict with Policy SP2 of the Local Plan or the Framework in respect of meeting the challenge of climate change.

Other Considerations

45. The Council accepts that it cannot demonstrate a 5-year housing land supply, and it was confirmed at the Hearing that this stands at a 4.83 year supply. Although this is only a small shortfall, the proposal would positively add to the supply of housing in the area. In the context **of the Council's housing land** supply position, the provision of additional dwellings in the area is a matter to which I afford moderate weight as a benefit. The proposal would contribute to the need for family housing, and this would also represent a moderate benefit. The contribution of 3 affordable family dwellings on-site as well as a

- contribution in-lieu of a proportion of a dwelling would also be of moderate benefit.
46. Occupiers of the dwellings would seek to support local services and amenities in the area and, in this regard, there would be some economic benefits. In addition, there would be some employment arising from the construction of the dwellinghouses although I accept that this would be a short-lived benefit. I afford some positive weight to the economic benefits arising from the proposal when weighed in the planning balance.
47. There are minimal, if any, services in the vicinity of the site. The highway leading to the site is also unlit and there are no demarcated footways, which would discourage the use of sustainable modes of transport such as pedestrian access and cycling. Bus services are also located some distance from the site, and the nature of the routes to these would discourage access by foot or cycle. Residents of the proposal are therefore likely to be reliant on the private car to access services and employment.
48. However, the site has an established use for commercial storage. The appellant has provided data based on the TRICS database which indicate that the number of daily trips generated by the proposed dwellings would be significantly lower than that generated by a storage use. In contrast, survey data provided from third parties indicates that traffic movements associated with the current site are very limited, and I note the comments in respect of the context of residential development in the TRICS database with regards to access to services. I have also had regard to conditions placed on the permission for storage use, including a limitation on the number of round trips per user per day. However, it is reasonable to consider the potential intensification of the storage use which could lead to a higher number of traffic movements than exist at this time. The storage use could also generate a different form of traffic movements compared to the proposed residential use, including commercial vehicles.
49. **The Council's** Highway Development Control Officer consultee has raised no objection to the proposal based on visibility splays specified by the appellant. Although further work would be required to achieve these splays, such as removing established planting, the provision of these splays could be secured by condition. On my visit I saw that a suitable degree of visibility at the entrance was available for traffic entering and leaving the site. I therefore conclude that the proposal would provide safe vehicular access to the site. I have had regard to the comments from third parties, including consultants appointed by the Parish Council, but these do not lead me to a different conclusion based on the circumstances of the permitted use of the site, comments from consultees and observations on my visit.
50. In respect of access to services, even if the proposed dwellings were to generate more traffic movements than the permitted storage use of the site, I find that given the modest scale of the proposal the increase in traffic movements would be of a degree that should carry no more than limited weight against the proposal. For the same reasons, any increase in the number and times of traffic movements arising from the proposal would not be unacceptably incongruous for this area even allowing for the countryside location in the Green Belt.

Other Matters

51. The appeal site is close to a working farm and associated fields which are used in the rearing of livestock including pedigree cattle. I was able to view this farm and nearby fields on my visit. There is potential for the residents of the proposal to be affected by odour and noise from the farm, with subsequent harmful effects on the living conditions of residents and the operation of the farm. However, the appellant has provided an odour report which demonstrates that odour is not considered to represent a constraint on development. Given the nature of farming operations I also do not consider that noise would lead to unacceptable living conditions for residents or would lead to complaints that would unduly fetter the farming operations. I am also mindful of the fallback scheme which would also introduce residential development on the site, and although the dwellings of the permitted scheme would be slightly further away and would have fewer residents in total, I do not consider that noise generated by the permitted scheme would be significantly greater than the appeal proposal. I therefore conclude that the relationship between the proposal and the farm would not be such as to warrant the refusal of planning permission.
52. The affordable housing would be of a different design and layout to the market housing on the site. However, the affordable housing would meet an identified need for family housing, and it has not been demonstrated that dwellings of the same scale and design as the market led housing would be able to meet that need. The rear gardens of the affordable dwellings would be within the **range of sizes set out in the Council's Design Guide** and would be of a suitable size and layout even allowing for orientation. The front of the affordable dwellings would face directly onto an area of car parking, however no main habitable rooms would look onto the car parking area at ground floor level. In terms of the scheme as a whole, the amount and layout of amenity space would provide suitable living conditions for residents, and suitable levels of light would be provided for external amenity areas and within dwellings, even allowing for potential overshadowing from trees.
53. The appeal site is adjacent to an area of woodland which is a Local Wildlife Site, contains an extent of Ancient Woodland and is a Priority Habitat as set out in the Framework. A review undertaken by Natural England confirmed that the extent of woodland closest to the appeal site does not represent Ancient Woodland. A minimum 15m buffer can be maintained between the appeal site and the Ancient Woodland **in line with Natural England's guidance**. Part of this buffer included an extent of 2m close boarded fence which would mean that the buffer would be inaccessible to the public and which would also act as a screen to mitigate lighting emanating from the appeal proposal.
54. The proposed extent of the 2m fence has been reduced to address concerns in relation to character and appearance resulting from the reduction in the site boundary. A fence would still be provided along the boundary with the woodland, which would act as a suitable barrier in respect of access and light overspill. A post and rail fence including mesh would be provided along part of the northern boundary adjacent to farmland, which would represent a suitable boundary in respect of preventing access whilst allowing for commuting wildlife.
55. The Council has objected to the amendments to the site boundary treatment on the basis of comments from its Ecologist, and refers to the proximity of the

woodland edge which is best for the habitation of bats and other species and the effects of light spillage. However, the appellant's ecology consultant considers that bats are likely to follow the edge of the woodland, which angles away from the site at the point where the proposed 2m high fence would stop. Planting along the post and rail fence would also provide a further barrier to light spillage, including from headlights of vehicles. Further mitigation would also be provided as part of a detailed lighting scheme to protect habitats of biodiversity importance. Although the Council has maintained its objection following the further details provided by the appellant, it has not provided substantive evidence to contradict that provided by the appellant.

56. On the basis of the evidence before me, I consider that the proposed boundary treatment as amended, as well as appropriate conditions addressing matters of boundary planting and light mitigation, would provide suitable mitigation from light overspill and other potential harm from the site in respect of the adjacent woodland and other features of biodiversity importance including bats. The proposal would therefore not conflict with Policy NR2 of the Local Plan or the Framework in respect of conserving or enhancing the natural environment including biodiversity.
57. A number of comments raised locally have referred to the matter of flood risk. However, as indicated previously the appellant has provided evidence to address the concerns of the Environment Agency. Based on the submitted evidence and the response from relevant consultees, I conclude that the proposal is supported by sufficient information in respect of site specific flood risk and that it would not increase the risk of flooding elsewhere. In this regard, I find no conflict with the Framework in respect of meeting the challenge of climate change, flooding and coastal change.

Conditions

58. A list of agreed conditions was provided in the Statement of Common Ground, as well as an amended list provided by the appellant following the Hearing, which I have considered against the advice in the Planning Practice Guidance.
59. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans and documents in the interests of certainty. A condition requiring details of materials is appropriate in respect of character and appearance.
60. A condition in relation to cycle parking is appropriate in the interests of sustainable transport. Conditions regarding the visibility splay, road surfacing and gates at the entrance are required in the interests of highway safety. Conditions in respect of the completion of access routes, parking and turning space, the retention of garages for vehicle parking, and the provision of bin storage are required in the interests of highway safety and the amenity of future residents. A condition in respect of cycle and pedestrian access is required in the interests of sustainable transport and the amenity of residents.
61. Details of biodiversity enhancements and landscape ecological management are required in the interests of biodiversity. A condition in respect of landscaping is necessary in the interests of character and appearance and biodiversity.

62. Exceptionally, due to the freestanding countryside location of the site in the Green Belt, conditions removing permitted development rights are appropriate in the interests of the openness of the Green Belt and the character and appearance of this area of countryside.
63. Conditions in respect of an external lighting scheme and a construction environmental management plan are required in the interests of biodiversity. A surface water drainage scheme is required to address matters of sustainable drainage and flood risk. Due to the history of the site, a condition to deal with contamination is required to ensure that risks to residents, property and other receptors are minimised. These details should be submitted to and approved by the local planning authority at the pre-commencement stage as they relate to matters which need to be established before the commencement of building operations.
64. I have not included a condition requiring details of electric vehicle charge points. This matter is addressed by the Building Regulations, and the Planning Practice Guidance sets out that conditions requiring compliance with other regulatory requirements, such as Building Regulations, will not meet the test of necessity and may not be relevant to planning.

Planning Balance and Conclusion

65. **Due to the Council's housing land supply position the 'tilted balance' of paragraph 11(d) of the Framework is triggered unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) 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.**
66. The 2022 HDT results indicated that the Council has a HDT measurement of over 100% and that the consequence **has changed from 'Presumption' to 'None'**. However, given the **Council's** housing land supply position this does not change the implementation of paragraph 11(d) of the Framework.
67. In respect of paragraph 11(d)(i), I have concluded that the policies of the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed. This includes in respect of the Green Belt, areas at risk of flooding and irreplaceable habitats.
68. In respect of paragraph 11(d)(ii) I have had regard to the benefits and the adverse impacts of the proposal.
69. With regard to benefits, the contribution of 12 dwellings would be a moderate benefit of the proposal. The contribution to the need for 3 and 4 bedroom family housing would be a moderate benefit given the number of dwellings proposed. The contribution of 3 affordable dwellings on-site and a financial contribution to 0.6 dwellings off-site would also be a moderate benefit, even allowing for the mix of affordable dwelling tenures differing from that stated in the development plan. In addition, there would be some economic benefits associated with the proposal.
70. I have concluded that the proposal would not be inappropriate development in the Green Belt. However, moderate harm would be caused to the character and

appearance of the area and there would be no more than limited harm arising from its location in respect of access to services and vehicle movements.

71. On balance, I find that the above adverse impacts would be significantly and demonstrably outweighed by the identified benefits when assessed against the policies in the Framework taken as a whole. Therefore, I conclude that the proposal would represent sustainable development and the appeal should be allowed.

David Cross

INSPECTOR

Appearances

FOR THE APPELLANT:

Robin Dorran – Shanly Homes
Ian Rennie – Shanly Homes
Kevin Scott – Solve Planning
Rosalind Graham – Solve Planning
Rob Hughes – Incola Landscape Planning
Mike England – Icen Transport
David Mardon – Water Environment
Guy Laister – Water Environment
Sophia Saatchi – Ascot Design

FOR THE COUNCIL:

Carlos Chikwamba - Senior Planning Officer
Edward Vaudin - Senior Planning Officer

INTERESTED PARTIES:

Clive Scott-Hopkins - President, Waltham St Lawrence and Shurlock Row
Preservation Society
Mike Kay - Waltham St Lawrence and Shurlock Row Parish Council
Ian Haggart
Russell Taylor - Waltham St Lawrence and Shurlock Row Preservation Society

Documents Submitted at the Hearing

- Appeal decision APP/T0355/W/23/3321489 and covering e-mail.
- Certificate of Lawful Use ref 12/01734, dated 20 August 2012.
- Clive Scott Hopkins, Preservation Society Closing Statement.
- Location plan and plan extract showing amended site boundary.
- E-mail dated 9 October 2023 and amended plans.

Documents Submitted Following the Hearing

- E-mails dated 10 & 11 October 2023 from Environment Agency, including confirmation that it has no suggested conditions.
- E-mail dated 12 October 2023 from the Council commenting on matters including character and appearance, ecology and the planning history of the site. Documents attached:
 - Officer Delegated report re. Certificate of Lawful Use Ref: 12/01734.
 - Site Layout plan Ref: 425_pln_1001, dated 1 Feb 2012.
 - Notice of Permission re Application No: 99/34780, dated 31 May 2000 re. Variation of Condition No 1 of consent 429330 to allow permanent use of premises for storage purposes.
 - **Extract from the Council's** Landscape and Character Assessment.
 - **Comments of the Council's** Highway Development Control Officer.
- E-mail dated 13 October 2023 from the Inspector to the main parties in respect of boundary treatment, highway matters and commencement of application ref. 14/03036.
- E-mail dated 20 October 2023 from the Council on matters including highway, landscaping and ecology.
- E-mails x 4 dated 23 October 2023 from appellant including:
 - 20-J3366 - C101 - Rev A - Coloured Site Layout.pdf
 - 20-J3366 - ESCP 101 - Rev A - Existing Site Coverage Plan.pdf
 - 20-J3366 - GCBT 01 - Garden Sizes Boundary Treatment.pdf
 - 20-J3366 - LP - Rev A - Location Plan.pdf

- 20-J3366 - PSCP 101 - Rev A- Proposed Site Coverage Plan.pdf
- 20-J3366 - PSEU 101 - Rev A- Proposed Site Layout and Existing Underlay.pdf
- Existing and Proposed Area Comparison Table.pdf
- Final draft Conditions 191023.pdf
- Letter - PINS Additional Response 201023 FINAL.pdf
- 20-J3366 - 101 - Rev A - Site Layout.pdf
- 20-J3366 - 105 - Plot 2 - Rev A - Front and Side Elevation.pdf
- 20-J3366 - 106 - Plot 2 - Rev A - rear and side elevation.pdf
- 20-J3366 - 107 - Plot 2 - Rev A - Floor Plans.pdf
- 20-J3366 - 120 - Plot 8 - Rev A - Front and Side Elevation.pdf
- 20-J3366 - 121 - Plot 8 - Rev A - Rear and Side Elevation.pdf
- 20-J3366 - 122 - Plot 8 - Rev A - Floor Plans.pdf
- 20-J3366 - 128 A - Plot 10 & 11 & 12 - Floor Plans.pdf
- 20-J3366 - 200 - Plot 7 - Front and Side Elevation.pdf
- 20-J3366 - 201 - Plot 7 - Rear and Side Elevation.pdf
- 20-J3366 - 202 - Plot 7 - Floor Plans.pdf
- Completed S106 UU - 20.10.2023
- Official Copy (Register) - BK230613 (1).pdf
- Official Copy (Title Plan) - BK230613 (1).pdf
- 14_03036_FULL- D Notice.pdf
- 18-126.02 Risk Mitigation Statement.pdf
- Commencement Letter 27.02.2018.pdf
- Email from Tony Franklin re Condition 16 28 Feb 2018.pdf
- Baseline.jpg
- Bellmans Hangar BNG V2.xlsx
- BNG Assessment Bellman's V2.pdf
- Proposed.jpg
- E-mail dated 1 November 2023 from the Council re. commencement of 14/03036/FULL and ecology.
- Letter dated 3 January 2024 from appellant re. the revised Framework and the HDT.
- E-mail dated 5 January 2024 from the Council re. the revised Framework and the HDT.
- **E-mail dated 11 January 2024 from the appellant responding to the Council's comments of 5 January 2024.**
- Correspondence from appellant and Council relating to the visibility splay condition.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - i) Application Forms, Solve, 03/02/2022
 - ii) CIL Form, Solve, 31/01/2022
 - iii) Sustainability and Energy Statement, Bluesky, 29-Apr-22
 - iv) Arboricultural Implications Report, SJ Trees, Jan-22, Ref: SJA air 21678-01
 - v) Transport Statement, Icenl, Jan-22
 - vi) Transport Statement Appendices – Part 1, Icenl
 - vii) Transport Statement Appendices – Part 2, Icenl
 - viii) Transport Statement Appendices – Part 3, Icenl
 - ix) Surface Water Drainage Strategy, Water Environment Ltd, Feb-22
 - x) Flood Risk Assessment Statement, Water Environment Ltd, 29-Sep-23, Ref: 20062-FRA-CO-02-C02
 - xi) Hydrology Review, Water Environment Ltd, 29-Sep-23, Ref: 20062-HMD-TN-01
 - xii) Hydraulic Modelling Review, Water Environment Ltd, 29-Sep-23, Ref: 20062-HMD-TN-02
 - xiii) Biodiversity Net Gain Results, Ethos, Jan-22
 - xiv) Biodiversity Net Gain Calculator, Oct-23
 - xv) Design and Access Statement Part 1, Ascot Design, Feb-22
 - xvi) Design and Access Statement Part 2, Ascot Design, Feb-22
 - xvii) Non Adoptable Layout Report, It Does Lighting, 24/01/2022, Ref: 95-05-NAD-LO-C
 - xviii) Lighting Equipment, Specification, Design Notes, Risk and Environmental Considerations, It Does Lighting, Ref: 95-05-NAD-CD-C Rev C
 - xix) Odour Assessment, Redmore Environmental, 21/01/2022, Ref: 4203r6
 - xx) Planning Statement, Solve Planning, Jan-22
 - xxi) Landscape and Visual Technical Note, Leyton Place Limited
 - xxii) Preliminary Accommodation Schedule, Ascot Design, 21/12/2021
 - xxiii) Site Location Plan, Ascot Design, Oct-23, Ref: 20-J3366-LP Rev A
 - xxiv) Coloured Site Layout Ascot Design, Oct-23, Ref: 20 - J3366 -C101 Rev A
 - xxv) Existing buildings, Ascot Design, Dec-21, Ref: 20 - J3366 - EB101
 - xxvi) Existing buildings, Ascot Design, Dec-21, Ref: 20 - J3366 - EB102
 - xxvii) Existing site coverage plan, Ascot Design, Oct-23 Ref: 20 - J3366 - ESCP101 Rev A
 - xxviii) Proposed site layout, Ascot Design, Oct-23, Ref: 20 - J3366 – 101 Rev A

- xxix) Plot 1 – Front and side elevation, Ascot Design, Dec-21, Ref: 20 – J3366- 102
- xxx) Plot 1 – Rear and side elevation, Ascot Design, Dec-21, Ref: 20 - J3366 - 103
- xxxi) Plot 1 – Floor plans, Ascot Design, Dec-21, Ref: 20 - J3366 - 104
- xxxii) Plot 2 - Front and side elevation, Ascot Design, Oct-23, Ref: 20 – J3366 - 105 Rev A
- xxxiii) Plot 2 - Rear and side elevation, Ascot Design, Oct-23, Ref: 20 – J3366 - 106 Rev A
- xxxiv) Plot 2 – Floorplans, Ascot Design, Oct-23, Ref: 20 - J3366 - 107 Rev A
- xxxv) Plot 3 - Front and side elevation, Ascot Design, Dec-21, Ref: 20 - J3366 - 108
- xxxvi) Plot 3 - Rear and side elevation, Ascot Design, Dec-21, Ref: 20 - J3366 - 109
- xxxvii) Plot 3 - Floor plans, Ascot Design, Dec-21, Ref: 20 - J3366 - 110
- xxxviii) Plot 4 - Front and side elevation, Ascot Design, Dec-21, Ref: 20 – J3366 - 111
- xxxix) Plot 4 - Rear and side elevation, Ascot Design, Dec-21, Ref: 20 – J3366 - 112
- xl) Plot 4 - Floor plans, Ascot Design, Dec-21, Ref: 20 - J3366 - 113
- xli) Plot 5 - Front and side elevation, Ascot Design, Dec-21, Ref: 20 - J3366 - 114
- xl ii) Plot 5 - Rear and side elevation, Ascot Design, Dec-21, Ref: 20 - J3366 - 115
- xl iii) Plot 5 - Floor plans, Ascot Design, Dec-21, Ref: 20 - J3366 - 116
- xl iv) Plot 6 - front and side elevation, Ascot Design, Dec-21, Ref: 20 - J3366 - 117
- xl v) Plot 6 - rear and side elevation, Ascot Design, Dec-21, Ref: 20 - J3366 - 118
- xl vi) Plot 6 - floor plans, Ascot Design, Dec-21, Ref: 20 - J3366 - 119
- xl vii) Plot 7 – floor plans, Ascot Design, Oct-23, Ref: 20 – J3366 - 202
- xl viii) Plot 7 – rear and side elevation, Ascot Design, Oct-23, Ref: 20 – J3366-201
- xl ix) Plot 7 – front and side elevation, Ascot Design, Oct-23, Ref: 20 – J3366 - 200
- l) Plot 8 - front and side elevation, Ascot Design, Oct-23, Ref: 20 - J3366 – 120 Rev A
- li) Plot 8 - rear and side elevation, Ascot Design, Oct-23, Ref: 20 - J3366 – 121 Rev A
- lii) Plot 8- floor plans, Ascot Design, Oct-23, Ref: 20 - J3366 – 122 Rev A
- liii) Plot 9 - front and side elevation, Ascot Design, Dec-21, Ref: 20 - J3366 - 123
- li v) Plot 9 - rear and side elevation, Ascot Design, Dec-21, Ref: 20 - J3366 - 124
- li v) Plot 9 - floor plan, Ascot Design, Dec-21, Ref: 20 - J3366 - 125

- lvi) Plot 10 and 11 and 12 - front & side elevation, Ascot Design, Ref: Dec-21 20 - J3366 - 126
 - lvii) Plot 10 and 11 and 12 - rear & side elevation, Ascot Design, Dec-21, Ref: 20 - J3366 - 127
 - lviii) Plot 10 and 11 and 12 - floor plans, Ascot Design, Oct-23, Ref: 20 - J3366 - 128 Rev A
 - lix) Plot 9 - Garage, Ascot Design, Dec-21, Ref: 20 - J3366 - 129
 - lx) Proposed site layout and existing underlay, Ascot Design, Oct-23, Ref: 20 - J3366 -PSEU101 Rev A
 - lxi) Proposed site coverage plan, Ascot Design, Oct-23, Ref: 20 - J3366 - PSCP101 Rev A
 - lxii) Proposed street scenes, Ascot Design, Dec-21, Ref: 20 - J3366 - PSS101
 - lxiii) Proposed site layout – Garden Sizes & Boundary Treatment, Ascot Design, Oct-23, Ref: 20 - J3366 – GSBT 01
 - lxiv) All lighting shown at 100%, It Does Lighting, Ref: 95-05-NAD-CD-C Rev C
 - lxv) CGIs x 3, Jul-22
- 3) Prior to their installation, samples and details of the materials to be used on the external surfaces including hard landscaping within the development shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out and maintained in accordance with the approved details. The development shall only be carried out in accordance with the approved materials or such other details as agreed in writing by the Local Planning Authority.
- 4) No development shall commence until a report detailing the external lighting scheme, and how this will not adversely impact upon wildlife, has been submitted to and approved in writing by the LPA. The report shall include but will not be limited to the following figures and appendices:
- i) A layout plan with beam orientation
 - ii) A schedule of equipment
 - iii) Measures to avoid glare
 - iv) An isolux contour map showing light spillage to 1 lux both vertically and horizontally, areas identified as being of importance for commuting and foraging bats, and locations of bird and bat boxes.
- The approved lighting plan shall thereafter be implemented as agreed.
- 5) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements and should include all mitigation measures outlined in the ecology report and biodiversity net gain calculations submitted with the application, an updated

ecology walkover survey (including an updated PRA of the building) prior to commencement of any works to ensure that conditions on the site have not significantly changed since the time of the surveys, reasonable avoidance measures during site clearance works for reptiles, nesting birds, and hedgehog (including measures which would be undertaken should any individuals of these species be found), removal of the identified PRF under the supervision of a suitably qualified ecologist, protection of the river and any vegetation to be retained, and construction lighting to be directed away from any suitable bat habitat;

d) The location and timing of sensitive works to avoid harm to biodiversity features

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

i) Details should be included in the CEMP confirming that no wastewater would be discharged into the ditch on site or the surrounding woodland during and post construction.

In addition: construction lighting to be directed away from the river and any suitable bat habitat.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 6) Prior to the construction above slab level of the development hereby approved, details of biodiversity enhancements, to include but not be limited to the provision of a replacement pond, appropriate management of the ecological buffer along the woodland edge to allow the growth of tussocky/longer grass and scrub habitats (woodland edge habitats are often the most important for wildlife), native hedge and tree planting, installation of bird and bat boxes, construction of hibernacula and gaps within the boundary fencing, shall be submitted to and approved in writing by the LPA. The measures shall be implemented in accordance with these approved details prior to the first occupation of the development, and shall be retained in perpetuity.
- 7) Prior to construction above slab level of the development hereby approved, a landscaping plan showing details of both hard and soft landscape works and the provision of all boundary treatment including to the areas of amenity space shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted, or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

- 8) Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
- i) Calculations to include development runoff rates limited to greenfield equivalents for the 1 in 30 and 1 in 100 year plus climate change events, volumes (attenuation and long-term storage) and topographic details, and any consents required from Thames Water.
 - ii) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels long sections and cross section and relevant construction details of all individual components.
 - iii) Water quality discharged from the site should be of sufficient water quality. The applicant is to provide evidence that discharge from the site would be of sufficient water quality that it would not result in detriment to any receiving water course.
 - iv) Details of the proposed maintenance arrangements relating to the surface water drainage system should also be provided, confirming the part that will be responsible. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.
- 9) Unless otherwise agreed by the Local Planning Authority in writing, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sub-conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until sub-condition 4 has been complied with in relation to that contamination.
1. Site Characterisation. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- a survey of the extent, scale and nature of contamination.
 - as assessment of the potential risks to:
 - **human health**
 - **property (existing or proposed) including buildings, crops, livestock, adjoining land,**
 - **groundwater and surface waters,**
 - **ecological systems,**
 - **archaeological sites and ancient monuments:**

➤ an appraisal of remedial options, and proposal of preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme. A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/ validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting Unexpected Contamination. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work must stop and it must be reported immediately by telephone and in writing to the Local Planning Authority within 2 working days. An investigation and risk assessment must be undertaken in accordance with the requirements of sub-condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of sub-condition 2, which is the subject of the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with sub-condition 3.

5. Long Term Monitoring and Maintenance- only if long term monitoring is required. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of (x) years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11'.

- 10) Prior to the construction above slab level of the development hereby approved, a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the council. The LEMP shall include details of the following:
- a. Schedules of plants and trees, to include native and wildlife friendly species, including pollen-rich and fruit bearing species and species likely to prove adaptable to climate change, noting species, planting sizes and proposed numbers / densities.
 - b. Clear long and short term aims and objectives for the site, to include measures to create and enhance woodland and other habitats.
 - c. Implementation timetables.
 - d. Prescriptions to achieve the aims and objectives of the plan to include details of which organisations/persons will be responsible for implementing the prescriptions.
 - e. Details of how the aims, objectives and prescriptions will be monitored, and what processes will be put in place to ensure that the plan is iterative.

The LEMP shall be implemented as approved unless otherwise agreed in writing by the local planning authority.

- 11) Notwithstanding the provisions of Article 3 and Classes A, B and E of Part 1 of Schedule 2 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 enlargement, improvement or other alteration of or to the dwellinghouses (including the erection of a garages, car barns or any other buildings or enclosures within the curtilages) the subject of this permission, shall be carried out without planning permission having first been obtained from the Local Planning Authority.
- 12) Notwithstanding the provisions of Article 2 and Class A of Part 2 of Schedule 2 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 operations related to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure shall be carried out on any land covered by this permission without express grant permission from the Local Planning Authority.
- 13) No part of the development shall be commenced until the visibility splays of 2.4m x 107m to the north and 2.4m x 91m to the south, as shown on the approved drawings (14-T031_21A) at the main vehicle access, have been provided. All dimensions are to be measured along the edge of the driveway and the back of footway from their point of intersection. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.
- 14) No part of the development shall be occupied until the access has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained.

- 15) No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with a layout that has first been submitted to and approved in writing by the Local Planning Authority. The space approved shall be kept available for parking and turning in association with the development.
- 16) No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
- 17) The garage accommodation shall be retained for the use of the parking of vehicles at all times, unless otherwise agreed in writing by the Local Planning Authority.
- 18) No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.
- 19) No part of the development hereby permitted shall be occupied until the access has been surfaced with a bonded material across the entire width of the access for a distance of at least ten metres measured back from the highway boundary.
- 20) No development hereby permitted shall be occupied until a means of access to the front door and rear garden for pedestrians and cyclists has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- 21) No gates shall be provided at the vehicular access to the site.

End of Schedule