
Appeal Decision

Hearing opened on 23 April 2025

Site visit made on 24 April 2025

by **C Carpenter BA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/Z1510/W/24/3357015

Land West of Mill Lane, Tye Green, Cressing, Braintree CM77 8HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by M Scott Properties Ltd against the decision of Braintree District Council.
 - The application Ref is 23/02534/FUL.
 - The development proposed is 78 bungalows consisting of age-restricted (to over-55s) market bungalows and unrestricted affordable bungalows; with the provision of c. 4 ha of open space, community building, associated works and change of use from agricultural to domestic garden (resubmission of 21/00749/FUL).
-

Decision

1. The appeal is allowed and planning permission is granted for 78 bungalows consisting of bungalows for market sale with an age (over 55's)/disability restriction and affordable housing bungalows with no age/disability restriction; with the provision of public open space, including allotments, community building, associated works and the change of use of land from agricultural to domestic garden at Land West of Mill Lane, Tye Green, Cressing, Braintree CM77 8HW in accordance with the terms of the application, Ref 23/02534/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description in the banner heading is taken from the application form. The parties have agreed a revised description that makes clear the market bungalows would have both an age and disability restriction and includes reference to the proposed allotments. These amendments clarify the development proposed and I am satisfied there would be no procedural unfairness arising from them, so I have used the revised description in my decision above. However, I have omitted the unnecessary reference to a preceding withdrawn application.
3. Prior to the hearing, I accepted drawing Ref 36-22 Rev G in place of Rev F. This omits additional land outside the red line boundary for the proposal, which is no longer offered to the Parish Council (PC). The update provides clarity and consistency of information but does not fundamentally change the scheme of development and no party would be prejudiced by my taking it into account.
4. The National Planning Policy Framework (the Framework) was updated in December 2024. The parties had an opportunity before and during the hearing to provide comments on the implications of the revised Framework for the appeal, and I have considered these in my decision.

5. The Council has started work on a review of its Local Plan but has yet to consult on a draft. Given this early stage of preparation, I give references to the emerging revised Local Plan minimal weight.

Main Issues

6. A legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) (s106 agreement) was submitted in draft before the hearing and executed following discussion at it. The Council has stated the planning obligations therein would satisfactorily address the concerns in its second reason for refusal. I shall therefore consider these later in my decision.
7. Consequently, the main issues are those within the first refusal reason, namely:
- whether the site represents an appropriate location for housing having regard to the spatial strategy for the area; and
 - the effect of the proposal on the character and appearance of the surrounding area.
8. In addition, I shall consider whether there is a five-year supply of deliverable housing sites under main issues, as this is a disputed matter.

Reasons

Location

9. The spatial strategy for the area is set out in the North Essex Authorities' Shared Strategic Section 1 Local Plan 2021 (S1LP), the Braintree District Section 2 Local Plan 2022 (S2LP) and the Cressing Parish Neighbourhood Plan 2020 (CPNP).
10. S1LP Policy SP3 sets the strategic context by identifying existing settlements as the principal focus for additional growth across North Essex. It states development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role, but delegates the distribution of housing growth and identification of a settlement hierarchy to Section 2 Local Plans.
11. S2LP seeks to concentrate development on three towns and the A12/Great Eastern Mainline corridor but allows for an appropriate amount to be brought forward in larger villages to support thriving rural communities. The wording of S2LP Policy LPP1 clearly differentiates between locations within and outside development boundaries, notwithstanding supporting text that refers to these boundaries providing a guide. The Policy restricts development outside development boundaries to uses appropriate to the countryside. S2LP Policy LPP33 adds that new specialist housing on unallocated sites in the countryside will not be supported.
12. CPNP Policy 7C supports new housing outside settlement boundaries by exception where this comprises small-scale self-build or custom-build schemes. Where such schemes are proposed, four additional criteria apply.
13. There is no dispute the appeal site is unallocated and falls outside the development boundary of Tye Green, so is in the countryside for planning policy purposes. There is also no suggestion the proposed residential use would be intrinsically appropriate to a countryside location; or that it would comprise a self-build or custom-build scheme, even if some of the other criteria in CPNP Policy 7C would be satisfied. The proposal would therefore conflict with all the Policies referred to above.

14. That said, there are other considerations relevant to this issue. The range of local services and facilities in Tye Green compares favourably with other Second Tier Villages in the District. These would be readily accessible to future occupants of the bungalows by foot or cycle because the site directly adjoins the settlement and its network of footways and paths. Accessibility could be further improved by cycle parking and additional dropped kerb/tactile paving crossings on Mill Lane, secured via condition. These factors mean the housing would help maintain the vitality of Tye Green as a rural community, through increased use of the local shop for example, in accordance with Framework paragraph 83.
15. Moderately frequent bus services to Braintree and Witham would be within walking distance, and a condition to secure an upgrade to the stops nearest the site would help ensure appropriate facilities for additional users, including those travelling to secondary school. Additional usage would also help maintain the bus service as a rural facility. Furthermore, nearby Cressing Station provides direct access to the Braintree to London branch line, although some would be reluctant to use this after dark because of the short stretch of narrow, unlit road without footway.
16. Nevertheless, overall, the development would have good access to a range of services and facilities via a genuine choice of transport modes, which accords with the Framework's transport objectives. A condition could require Residential Travel Information Packs to promote these alternatives to the private car.
17. Taking all this together, I conclude the site does not represent an appropriate location for housing, having regard to the spatial strategy for the area, contrary to S1LP Policy S3, S2LP Policies LPP1 and LPP33, and CPNP Policy 7C. However, the site's edge of settlement location and relatively good accessibility for a countryside location, and the scheme's potential to support the local rural community, mean only a moderate level of harm arises from this conflict.

Character and appearance

18. The Council clarified at the hearing that, notwithstanding the reference in its first reason for refusal to a conflict with S2LP Policies LPP47 and LPP52, the harm it had identified to the character and appearance of the surrounding area was not in itself considered sufficient to justify the refusal.
19. Having regard to the Council's Landscape Character Assessment¹, the appeal site is at the western edge of the Silver End Farmland Plateau, which is bounded by the Braintree branch line. The site comprises characteristic farmland marked by hedgerows, which can be clearly appreciated from the public right of way (PROW 20) that runs to its north. However, the site's location between the railway line and built edge of Tye Green, relatively flat topography and densely wooded border limit its contribution to distant open landscape views and the wider landscape setting of the settlement. This is confirmed in later analysis², which notes the site falls into the lower parts of area B2, where enclosure provided by landform and vegetation and dominant transmission towers and power lines reduce its overall visual sensitivity.
20. The development would increase the area of built form that lies to the north-west of Mill Lane. However, much of the northern section of that lane already has a settled character derived from the regular and relatively tight-knit pattern of development

¹ Landscape Character of Braintree District 2006

² Braintree District Settlement Fringes - Evaluation of Landscape Analysis Study of Braintree and Environs for Braintree District Council, The Landscape Partnership 2015

that has evolved to both sides of it. In addition, the form, layout, design and appearance of the bungalows would complement that of the dwellings around it, notwithstanding the 'ribbon' formation to the immediate north. This would accord with S2LP Policy LPP52, where it requires the scale and layout of buildings and their overall elevational design to reflect the area's local distinctiveness.

21. There would be localised visual harm resulting from the introduction of built form on the site, loss of openness in near views from PROW 20 and unavoidable interruption to the hedgerow bordering Mill Lane to create access. That said, soft landscaping secured by condition would provide a degree of mitigation over time. Retained hedgerows and distance mean there would be little adverse visual impact on the 'protected lane' status of Bulford Mill Lane and southern section of Mill Lane.
22. The considerable area of open space retained between the bungalows and the railway line would clearly define the new settlement edge and maintain its verdant setting. There is no suggestion the proposal would result in coalescence with Black Notley on the other side of the Brain Valley. I therefore find the new development would continue the gradual expansion of Tye Green without material detriment to its morphology, the overall settlement pattern or distant landscape views. The proposal would therefore respect and respond to the local context in general accordance with S2LP Policy LPP47.
23. Taking all this together, I conclude there would be limited harm to the character and appearance of the surrounding area. However, the proposal would accord overall with the provisions of S2LP Policies LPP47 and LPP52 for the reasons given.

Five-year housing land supply

24. The five-year housing land supply (5YHLS) period of 2024-2029 and corresponding requirement of 4,074 dwellings, including cumulative shortfall and 5 per cent buffer, are agreed between the parties. Against this, the Council finds a deliverable supply of 4,167 dwellings or 5.11 years, whilst the appellant finds 3,658 dwellings or 4.49 years. The parties disagree about the deliverability and/or timing of development on six sites and whether to include a windfall allowance in year 3 of the 5YHLS period. I shall address each disputed matter in turn, having regard to the Framework's definition of 'deliverable' and Planning Practice Guidance (PPG)³.

13-17 Bank Street

25. This town centre site has detailed planning permission for conversion of vacant space above commercial premises to six flats. The parties agree the development has commenced and permission is extant, although there is no active work on site. An application for six flats with a revised layout has recently been submitted, which I understand includes an explanation for the delay. Although conditions attached to the original permission are yet to be discharged, this new application indicates the developer's intent to pursue the conversion. Whether or not the new application is approved, there is no clear evidence the conversion will not be delivered within five years. I therefore include these six dwellings in the 5YHLS.

Cottons Farm, Sculpins Lane

26. The parties agree detailed planning permission for one dwelling has been technically implemented and remains extant. On the evidence before me, the site

³ Ref Paragraph: 007 Reference ID: 68-007-20190722

owner has sought to increase the capacity of the wider site through subsequent applications. Although some have been unsuccessful, prior approval for conversion of outbuildings was granted some six months ago. This indicates ongoing interest in developing the wider site. There is no clear evidence the one dwelling in question will not be delivered within five years as part of this, so I include it in the supply.

Land east of Broad Road, Straits Mill Strategic Growth Location

27. This site has outline planning consent for up to 1,000 units with reserved matters (RM) for phase 1 infrastructure approved in January 2024. In August 2024, an Inspector⁴ found a realistic prospect 40 units would be completed in 2027/28. A further RM application and a non-material amendment have since been approved and I understand the developer is discussing a Planning Performance Agreement (PPA) to manage future RM applications and discharge of conditions. Although purchase of the site is yet to be completed, there is clear evidence of ongoing developer activity, and I see no compelling reason why further RM applications could not be submitted later this year as the Council expects.
28. The developer's forecast in April 2025 is 254 units delivered between July 2024 and June 2029. The Council has made a more conservative estimate of 40 homes in year 4 and 100 homes in year 5. On the evidence of progress before me, I agree there is a realistic prospect of 140 completed dwellings within five years.

Land off Bournebridge Hill, Greenstead Green

29. The parties agree this site with outline consent is deliverable but disagree about the developer's predicted timescales. A PPA is in place and on 22 April 2025 the Council resolved to approve RM and several of the outline planning conditions for the development of 197 dwellings. This decision came three months earlier than assumed by the appellant. Given this, I find a realistic prospect of commencement to the timescale anticipated by the Council and that 50 dwellings could be completed each year from 2026/27. I therefore include 150 homes in the 5YHLS.

Land north of London Road, Kelvedon

30. This site has outline consent for up to 300 dwellings, a health centre, care home and other facilities. RM have been approved for construction access roads and a RM application for 300 homes and the health centre was submitted in March 2025. Assuming this is approved by late June, the developer expects to start works on site in autumn 2025. The NHS has confirmed its approval process for the health centre could complete by end of October 2025. The parties agree a care home provider is involved, although a RM application for this part of the scheme is expected separately. Nevertheless, triggers in the s106 agreement relating to the health centre, care home and other facilities provide an incentive for the developer to maintain delivery momentum.
31. Given this and information before me about the developer's business model, I find a realistic prospect the developer's anticipated build-out programme could be achieved. However, as this extends to June rather than March 2029, I shall deduct one quarter of anticipated completions for year five and include 280 individual dwellings only. As regards the 66-bedspace care home, application of a 1.9 household ratio means only 35 units can be counted in the supply. This quantum

⁴ Ref APP/Z1510/W/23/3331319

has already been factored into the Council's overall calculations. I therefore include 315 units in total from this site, which is 20 units less than assumed by the Council.

Land at Woodend Farm

32. The parties agree initial completions on this site with outline consent would be expected in June 2027 but dispute the anticipated annual build-out rate. An email from the developer dated April 2025 states they expect 100-120 dwellings per annum given the characteristics of the site and early timing of strategic infrastructure to support it. I see no compelling reason to apply the appellant's more pessimistic assumption, which is based on an average build-out rate for the District across a variety of site sizes and developer types. Based on its knowledge of the site and developer in this case, the Council has conservatively estimated 75 units in year 4 and 115 in year 5. I find this realistic and include 190 units in the supply.

Windfall allowance

33. The Council's evidence shows a steady windfall supply since adoption of S2LP, at a rate higher than assumed in its windfall allowance. Further, its analysis of windfall permissions during the five years from 2019/20 shows about a quarter were completed within one and three years of permission being granted. The appellant's re-interpretation of this data assumes some permissions pre-date the base period so would be double counted. However, there is no convincing evidence to support this assumption or the suggestion that other local planning authorities also make it. The Inspector in the High Garrett appeal⁵ accepted the distinction between identified small sites included in the Council's five-year supply and unidentified sites that will arise through the submission of planning applications after the base date for the five-year period. I see no reason to find otherwise in this appeal. Consequently, I am satisfied the 75-unit windfall allowance in year 3 is appropriate.

Conclusion on 5YHLS

34. Taking all this together, I find 20 fewer deliverable units than the Council, resulting in a supply of 4,147 dwellings or 5.09 years. I therefore conclude there is currently a five-year supply of deliverable housing sites in the District. I will return to the implications of this under planning balance.

Planning obligations

35. I shall consider the planning obligations in the s106 agreement against the statutory tests for their use⁶ and paragraph 58 of the Framework.

Specialist housing

36. The PPG recognises the critical need to provide housing for older people given the ageing population; that offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer and feel more connected to their communities; and that this can include age-restricted general market housing for those aged 55 and over and the active elderly. The Council has identified a need for older persons' housing in the District, as well as a need for more housing suitable for disabled people.

⁵ Ref APP/Z1510/W/21/3278620

⁶ In Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended)

37. The appellant describes the target market for their product as the active elderly wishing to downsize to modern, low-maintenance, accessible and adaptable homes within a supportive community. They refer to an informal waiting list from their other developments of this type in the region. Recent additions to the supply of older persons' housing in the District primarily comprise supported living schemes and care homes, with little age-restricted market housing.
38. These factors persuade me there would be a demand for the proposed dwellings, and the scheme would broaden the choice of housing for older people in and around Braintree, as envisaged by the PPG. This is notwithstanding that some in their late 50's may prefer non-age restricted housing, such as the general market bungalows already in Tye Green; that future occupants would need to travel to neighbouring settlements for healthcare services; or the proximity of pylons. The development would also help address the identified local need for housing for disabled people.
39. A planning obligation to restrict occupation of the market bungalows to persons aged 55+ or those with a disability or their surviving partner/resident dependents is therefore necessary to secure the market homes as specialist housing in perpetuity. I am also satisfied it meets the other statutory tests. Furthermore, this is a benefit that adds significant weight in favour of the proposal.

Affordable housing

40. S2LP Policy LPP31 requires 40 per cent affordable housing on sites, like this one, that are not in or directly adjacent to a main town. The s106 agreement includes a planning obligation to secure 40 per cent of the new dwellings as affordable in perpetuity, through transfer to a Registered Provider of affordable housing (RP). The appellant has received offers from a small number of RPs and the Council has tested this and found credible RP interest. Nevertheless, the obligation includes a cascade mechanism to allow a financial contribution in lieu of on-site provision in case an RP cannot be found to take the units at a viable price. This is a reasonable fall-back position allowed for in Policy LPP31.
41. I recognise annual affordable housing completions in the District have increased since S2LP was adopted and are projected to exceed the indicative level of annual need for the next five years and make up an historic shortfall. However, the level of affordable housing need underpinning S2LP Policy LPP31 is based on evidence published in 2015 and 2016, now nearly ten years old. The appellant has presented credible evidence that affordability ratios in the area have materially worsened since then and that the number of affordable housing applicants in the District remains high.
42. I acknowledge these current local affordability pressures will be factored into the new standard method formula to be used for assessing overall housing need, which will be a matter for the new Local Plan in due course. Nevertheless, adoption of that Plan is not imminent, and any additional affordable housing secured through it would follow later. The provision of 31 affordable bungalows in the appeal scheme would help address affordable housing needs that exist now, likely in a shorter timescale. This would benefit younger people struggling to find housing, which would in turn help create a mix of ages within the development. Moreover, even if Cressing Parish itself does not have many priority applicants, the new affordable housing would be available to those in need across the District.

43. For the above reasons, I find this obligation necessary and fairly and reasonably related to the development in scale and kind. Further, it has significant weight as a benefit of the proposal.

Local infrastructure provision

44. CPNP Policy 11 requires new development to contribute towards the provision of relevant infrastructure in the Parish, the list of which at CPNP Table 4 includes additional amenity green space, allotments and a new community hall. S2LP Policy LPP50 also requires provision of additional open space.
45. Planning obligations secure the provision and maintenance of a substantial new area of publicly accessible open space with play area, as well as allotments and a community building on the site. The open space is to be transferred to a Management Company, and the allotments and community building would be offered to the PC for a nominal sum. If the PC decline the offer, there is a cascade mechanism whereby additional allotments and/or open space would be provided instead.
46. I note the PC's preference in this case for a community building that provides health and medical services. In response, the local NHS Integrated Care Board (ICB) has advised that, whilst a satellite surgery would not be feasible, a new community facility could assist with delivery of social prescribing services to support health and well-being. Allotments and open space would provide further health and well-being benefits for both future occupants and the wider community. Shared use of these facilities would also help foster community integration and cohesion, and the open space would improve public access to the wider countryside and public footpath network. If the PC decline the facilities, supplementary public open space would still give rise to appreciable benefits.
47. I therefore find these obligations are necessary to comply with the above Policies and make the development acceptable in planning terms, as well as satisfying the other statutory tests. In addition, the direct provision of facilities for which there is an identified local need, and the resulting health, well-being and community benefits, add substantial weight in favour of the scheme.

Strategic infrastructure

48. The affordable dwellings would generate additional demand for school places in the area. Essex County Council (ECC) has compared the expected child yield to the availability of local provision and identified the need for financial contributions to mitigate anticipated shortfalls, based on the approach set out in its Guide to Infrastructure Contributions 2024. This document also provides an agreed basis for calculating the contribution per dwelling to allow for additional demand on ECC's statutory library service.
49. In relation to health infrastructure, the ICB states surgeries within the local Primary Care Network do not have capacity to accommodate the additional demand from up to 187 new residents. It requires a financial contribution towards expansion of surgery capacity, calculated according to an agreed methodology.
50. These financial contributions would increase the capacity of public services in the area and thereby address S1LP Policy S6 and S2LP Policy LPP78, which require development to provide infrastructure to serve or otherwise mitigate the needs

arising from it. The evidence provided also satisfies me the obligations are fairly and reasonably related to it in scale and kind. However, as they would do no more than mitigate impacts of the scheme, these contributions do not add weight in favour of it.

Mitigation of effect on protected European sites

51. The appeal site lies within the Zone of Influence of the Essex Estuaries Special Area of Conservation (SAC) and Blackwater Estuary Special Protection Area (SPA)/Ramsar site. The SAC and SPA are European sites protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Under the Habitats Regulations, an appropriate assessment is required in relation to the effect of the development on the integrity of the sites. This responsibility falls to me as competent authority in the context of this appeal.
52. The SAC is a coastal estuarine system with associated mudflats, sandflats, sandbanks and inter-tidal zones. Its qualifying features include annuals that colonise mud and sand, cord-grass swards, salt meadows and scrubs. The SPA supports nationally and internationally important populations of breeding and migratory bird species, such as the Little Tern, Hen Harrier, Ringed Plover and Dark-bellied Brent Goose. The sites' conservation objectives are to ensure their integrity, including the extent, distribution, structure, function and supporting processes of the habitats, and population and distribution within the sites of each of the qualifying features, is maintained or restored.
53. There is a threat to the sites from increased recreational activity, such as walking, water sports, fishing and bait-digging, which would disturb their qualifying habitats and species. It is likely the occupants of the proposed dwellings would make use of the sites for recreational activity, thereby increasing levels of recreational disturbance. Such an increase, alone or in combination with other plans and projects, would be likely to have a significant effect on the integrity of the sites.
54. The parties have agreed a financial contribution in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and associated Essex Coast RAMS Supplementary Planning Document. The sum would be put towards a programme of strategic mitigation measures. Natural England (NE) has been consulted as part of this appropriate assessment and has confirmed the Essex Coast RAMS measures are sufficient to avoid an adverse impact on the integrity of the SAC and SPA.
55. The planning obligation to secure this mitigation is therefore necessary to make the development acceptable in planning terms and accord with S1LP Policy SP2, which seeks mitigation in accordance with the Essex Coast RAMS. It is directly related to the development and fairly and reasonably related in scale and kind. However, as required mitigation it adds no positive weight to the proposal.

Other

56. An obligation is necessary to ensure the Council can collect refuse and recycling from the dwellings using roads that have not been adopted by the Highway Authority (HA). Another deals with the transfer of an area of land around the dwelling known as Colwood House to the owner of that property or, if declined, secures the land as additional open space. The buffer is necessary to achieve an acceptable relationship between the existing and proposed dwellings and protect

the living conditions of their respective occupiers. I am satisfied both obligations meet the statutory tests.

57. For the above reasons, I find all the planning obligations accord with the statutory tests and I have taken them into account in my decision.

Other Matters

58. The Grade II listed buildings known as Bulford Farmhouse and Bulford Barns lie to the west of the site, on the other side of the railway line and a wooded area. They date from the early 18th century, with later alterations. The Farmhouse has a timber frame, weatherboard and plaster exterior and gambrel roof of handmade red tiles. Bulford Barns has a timber frame, weatherboarding and a butt-purlin roof. The extent and quality of the buildings' surviving fabric make them good examples of the area's historic farmsteads. Their significance is therefore both historic and architectural, with further group value derived from their previous functional relationship, although Bulford Barns has been converted to residential use.
59. The immediate setting of the listed buildings includes the woods and irregular fields around them, which contribute to their significance as part of their landscape and functional context. The appeal site is within this context, but the later addition of the intervening railway line with boundary planting means the site's contribution to appreciation of the listed buildings' significance is very limited. There is also minimal intervisibility between the appeal site and these heritage assets. Consequently, the proposed development would preserve the setting of the listed buildings, with no harm to their significance.
60. Grade II listed Jeffrey's Farmhouse, on the opposite side of Bulford Mill Lane, was built between the 14th and 17th centuries, with later extensions and alterations. It comprises a hall with two cross wings, with surviving historic features such as chimney stacks, bays and hand-made tiles that contribute to the building's significance as an example of vernacular rural architecture. The Farmhouse is set amongst its gardens and ancillary buildings, including a series of large barns which historically formed the working farmyard. The wider setting includes irregular agricultural fields, but this has evolved as the settlement of Tye Green has grown. The historic and architectural significance of the Farmhouse is best appreciated from its close, private setting and the immediately adjoining section of Mill Lane.
61. Any historic functional relationship between the Farmhouse and the appeal site is not clearly legible in the current landscape, which has changed through residential development along Mill Lane. The contribution of the appeal site to the listed building's setting is therefore limited. The Farmhouse is also screened from the appeal site by the intervening large, converted barn and boundary planting. The proposed development would not adversely affect the Farmhouse's close setting or materially diminish appreciation of its significance. I therefore find its setting would be preserved, with no harm to the significance of the heritage asset.
62. Just under half the appeal site is Grade 3a best and most versatile (BMV) agricultural land, and the rest is Grade 3b. As most agricultural land in the District is BMV, the main parties agree there would be only limited harm from the relatively modest loss of such land arising from the proposal. On the evidence before me, I see no reason to disagree. I will consider this harm further under planning balance.

63. In addition to future occupiers' use of local services and facilities, noted above, there would be a benefit to the local economy from construction of 78 dwellings, to which I give moderate weight owing to the scale of the proposed development.
64. Biodiversity enhancements set out in the appellant's Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) Feasibility Report would result in a BNG of more than ten per cent. This would include features such as scrub, a wildflower meadow, replacement hedgerow, trees, grassland and hedgehog friendly fences, to encourage reptiles, foraging bats, small mammals, invertebrates and birds. Given the extent of the site and level of gain proposed, the BNG is a benefit that adds moderate positive weight to the proposal.
65. Concerns have been raised about the effect of the development on the ecology of the appeal site. Based on the findings and recommendations of the PEA and associated surveys, I am satisfied any adverse effects on protected species could be avoided or adequately mitigated via conditions. I am also satisfied retained trees could be adequately protected during construction. Past ploughing of the field is covered by another regulatory regime, outside my jurisdiction.
66. Issues with surface water drainage in the vicinity of the appeal site have been brought to my attention, with concerns the proposed development would aggravate these. The proposal includes a surface water management scheme comprising swales and attenuation basins within the open space to the west of the dwellings. This is north of the existing property known as Mill House.
67. The appellant's Flood Risk Assessment 2021 and Addendum 2023 confirm there would be sufficient attenuation capacity to manage rainfall events up to the 1 in 100 annual probability storm, inclusive of allowances for climate change and 'creep' from factors such as residential extensions. There is no alternative technical evidence to substantiate the suggestion that excess flood water would run into Mill House. On the evidence before me, I am satisfied the proposed development would not aggravate existing issues and could potentially ameliorate them, subject to a condition to secure scheme details, implementation and monitoring as recommended by the Lead Local Flood Authority.
68. The Council has raised no concern with the living conditions of future occupiers, so long as it can exercise control over the effect of future proposed extensions on private external amenity space. A condition to limit permitted development rights could achieve this and I see no reason to disagree with this approach.
69. The ECC in its capacity as HA has raised no objection to the proposal in relation to highway safety or the capacity of the local road network. I note residents' detailed concerns were brought to the HA's attention during its discussions with the Council. National Highways has also raised no objection. There is no technical evidence before me that would lead me to conclude otherwise on this matter.
70. There would inevitably be some disruption during the construction period. However, this would be temporary and would be mitigated by a Construction Management Plan that could be the subject of a condition. There is no pertinent evidence that local water or electricity supply would be adversely affected or that financial difficulties would inhibit scheme delivery.

Planning Balance

71. Notwithstanding accordance with S2LP Policies LPP47 and LPP52, the conflict I have identified with S1LP Policy S3, S2LP Policies LPP1 and LPP33 and CPNP Policy 7 results in a conflict with the development plan read as a whole.
72. The spatial strategy Policies listed above are most important for determining this appeal. They are up to date because they set out an overall strategy for the pattern of development and make sufficient provision for homes in accordance with the Framework. This is confirmed by the Council's current ability to demonstrate a 5YHLS and its good recent performance in the Housing Delivery Test. The relevant S1LP and S2LP Policies are also less than five years old. Consequently, Framework paragraph 11d) is not engaged.
73. However, the District's housing requirement of 716 dwellings per annum (dpa) is set in S1LP, which will become five years old in February 2026. The Council does not dispute its new local housing need figure, calculated according to the standard method⁷, will be substantially higher than 716 dpa; or that it will need to plan for this higher level of need in the review of its Local Plan. On the Council's evidence, the earliest the reviewed Plan could be adopted would be December 2026. Consequently, according to Framework paragraph 78, the District's 5YHLS will be assessed against the higher housing need figure in under one year's time. Given limited 'headroom' in the current 5YHLS, it is likely the supply could fall below five years before the new Plan is in place.
74. This important consideration leads me to give considerable weight to the provision of 78 additional dwellings. When I factor in the significant weight of providing specialist and affordable housing as benefits of the proposal, I find the overall positive weight of housing delivery in this case is substantial, notwithstanding the contribution to housing delivery in the District already made by Cressing Parish. I have also given substantial weight to the provision of local infrastructure including the community building, allotments and open space, and moderate weight to BNG and the economic benefits of the scheme.
75. I have found moderate harm from the conflict with the spatial strategy and limited harm to the character and appearance of the surrounding area. There would also be limited harm from the loss of a modest area of BMV. However, these harms are more than outweighed by the collective weight of the benefits of the development.
76. I have considered the planning balance in the other appeal decisions brought to my attention by Cressing Action Group⁸. I recognise that, even where the Inspectors in those cases did not find a 5YHLS, the balance of harms and benefits led them to dismiss the appeals. However, those appeals pre-date the particular combination of housing supply considerations noted above. Nor do the Inspectors in those cases identify the same levels of harm or combination of benefits, such as specialist housing and local infrastructure provision identified in a Neighbourhood Plan, that I have found in this appeal. Consequently, the circumstances in those cases are not directly comparable to those before me. I have determined this appeal on its individual merits.

⁷ PPG Paragraph: 002 Reference ID: 2a-002-20241212

⁸ Refs APP/Z1510/W/3325050, APP/Z1510/W/24/3338229, APP/Z1510/W/23/3331319, APP/Z1510/W/24/3341618

Conditions

77. I have considered the conditions put forward by the main parties following discussion at the hearing. I have amended the wording where necessary in the interests of clarity and simplicity. I have also listed the conditions in the order they will need to be satisfied to aid comprehension. The appellant has given their written consent to the pre-commencement conditions.
78. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
79. A condition securing site level details is necessary to mitigate effects on the living conditions of neighbouring occupiers and on the character and appearance of the area. A condition relating to management of surface water run-off during construction is necessary to mitigate flood and groundwater pollution risks while works take place. A further condition securing the detailed surface water drainage scheme for the final development is necessary to manage flood risk on the site in the long term. These are pre-commencement conditions because the relevant details have implications for the way the development will be constructed.
80. A condition relating to archaeology is necessary to preserve and record any archaeological heritage on the site. The conditions requiring approval of a Construction Management Plan and Construction Environmental Management Plan are necessary to protect living conditions, ensure highway safety and mitigate impacts on biodiversity during construction. Conditions securing details of footway transitions and crossing points on Mill Lane are also necessary in the interests of highway safety. These are all pre-commencement conditions because the measures need to be agreed before construction works start, so effective mitigation can be achieved while construction takes place.
81. A condition securing previously agreed tree protection measures is necessary to mitigate construction impacts on trees and in the interests of the character and appearance of the area and biodiversity. A condition restricting construction hours is necessary to protect the living conditions of nearby residents.
82. A condition requiring approval of a Habitat Management and Monitoring Plan is necessary to ensure the proposed level of BNG is achieved, monitored and maintained. It is a pre-commencement condition because the BNG baseline needs to be established before works affect the site's biodiversity status. Conditions to secure a Biodiversity Enhancement Strategy for species-related enhancements is necessary to complement the BNG in habitats. Conditions relating to the Lighting Scheme and Landscape and Ecological Management Plan are necessary to protect bats and put in place arrangements for long-term ecological management of the site.
83. Conditions to approve details of materials, means of enclosure, meter cupboards and landscaping are necessary to integrate the appearance of the development into the surrounding area. Conditions to remove permitted development rights for extensions and alterations are necessary for the same reason and to protect the living conditions of future occupiers of the bungalows as noted above. Conditions requiring compliance with the Building Regulations optional requirements for accessible and adaptable and wheelchair user dwellings are necessary to accord with S2LP Policy LPP35.

84. Conditions securing access to the development, cycle parking, bus stop upgrades and Residential Travel Information Packs are necessary for highway safety and to promote alternatives to the private car. The latter could raise awareness of safety on level crossings and include vouchers for use with relevant local public transport operators. A condition requiring provision of field gate access to the land to the north of the site is necessary to allow occasional farm access and management.

Conclusion

85. I have found the proposal conflicts with the development plan, read as a whole. However, other material considerations, including the Framework, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be allowed.

C Carpenter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ned Helme	Counsel
Richard Winsborough	Planning Director, M Scott Properties Ltd
Martin Scott	Managing Director, M Scott Properties Ltd
Steven Butterworth	Senior Director, Lichfields
Michael Lowndes	Senior Director, Lichfields
Harry Bennett	Associate Director, Lichfields
Bethan Haynes	Associate Director, Lichfields
James Harris	Associate Director, Lichfields
Nigel Cowlin	Director, Nigel Cowlin Ltd
Marie Griffiths	Legal Manager

FOR THE LOCAL PLANNING AUTHORITY (LPA):

Robert Williams	Counsel
Chris Tivey	Area Manager, Development Management
Neil Jones	Principal Planner (s106 and Infrastructure)
Alan Massow	Principal Planning Policy Officer
Kathryn Carpenter	Senior Planning Policy Officer
Joanna Lilliot	Solicitor, Holmes & Hill

INTERESTED PARTIES:

Richard & Penny Pilbrow Local residents and Cressing Action Group

Mike Moser Local resident

DOCUMENTS SUBMITTED DURING AND AFTER THE HEARING

- DOC1 Council's final 5-year housing land supply schedule and attachments dated 22 April 2025
- DOC2 Statement of Mr Mike Moser
- DOC3 BLP2 Policies Map Inset 20
- DOC4 ECC Developers' Guide to Infrastructure Contributions - Revised 2024
- DOC5 Updated list of suggested conditions dated 30 April 2025
- DOC6 Executed s106 agreement dated 6 May 2025

Schedule of conditions

Time limits and drawings

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:

BBS- BB- EGL- SU- 01 - Existing Ground Level Survey Sheet 1
BBS- BB- EGL- SU- 02 - Existing Ground Level Survey Sheet 2
BBS- BB- EGL- SU- 03 - Existing Ground Level Survey Sheet 3
BBS- BB- EGL- SU- 04 - Existing Ground Level Survey Sheet 4
BBS- BB- EGL- SU- 05 - Existing Ground Level Survey Sheet 5
BBS- BB- EGL- SU- 06 - Existing Ground Level Survey Sheet 6
BBS- BB- EGL- SU- 07 - Existing Ground Level Survey Sheet 7
BBS- BB- EGL- SU- 08 - Existing Ground Level Survey Sheet 8
BBS- BB- EGL- SU- 09 - Existing Ground Level Survey Sheet 9
BBS- BB- EGL- SU- 10 - Existing Ground Level Survey Sheet 10
BBS- BB- EGL- SU- 11 - Existing Ground Level Survey Sheet 11
BBS- BB- EGL- SU- 12 - Existing Ground Level Survey Sheet 12

36-32 Rev A Location Plan
36-22 Rev G Masterplan
36-11 Rev F House Type Identification Plan
36-12 Rev F Housing Mix and Tenure Plan
36-14 Rev F Parking Plan
36-15 Rev F Refuse Strategy Plan
36-16 Rev G Garden Size Plan
36-17 Rev F Materials Plan
36-18 Rev H Boundary Treatment Plan
36-47 Rev Highways Visibility Plan
36-48 Rev Highways Amendments Plan

36-49 Rev A Tree Protection & Removal Plan

6620.EC.AR/001/Rev 2 Tree Constraints Plan
Y421.PL.SK/201/Rev H Proposed Access

36-COM-01 Rev B	Community Building Floor Plan & Elevations
36-2B-03 Rev B	2 Bed Floor Plan & Elevations
36-2B-07 Rev	2 Bed Floor Plan & Elevations
36-3B-02 Rev A	3 Bed M4(3b) Floor Plan & Elevations
36-AZA-02 Rev B	Azalea Floor Plans and Elevations
36-AZA-07 Rev	Azalea Floor Plans and Elevations
36-AZA-08 Rev	Azalea Floor Plans and Elevations
36-BEG-04 Rev B	Begonia Floor Plans & Elevations
36-CAM-01 Rev B	Camellia Floor Plans & Elevations
36-CAM-02 Rev A	Camellia Floor Plans & Elevations
36-GAR-01 Rev B	Garage Floor Plans & Elevations
36-GAR-02 Rev	Garage Floor Plans & Elevations
36-GAR-03 Rev	Garage Floor Plans & Elevations
36-JAS-08 Rev	Jasmine Floor Plans & Elevations
36-JAS-10 Rev B	Jasmine Floor Plans & Elevations
36-JAS-11 Rev B	Jasmine Floor Plans & Elevations
36-JAS-13 Rev B	Jasmine Floor Plans & Elevations
36-JAS-14 Rev	Jasmine Floor Plans & Elevations
36-JUN-02 Rev C	Juniper Floor Plans & Elevations
36-JUN-05 Rev	Juniper Floor Plans & Elevations
36-LIL-04 Rev B	Lily Floor Plans & Elevations
36-LIL-09 Rev	Lily Floor Plans & Elevations
36-LIL-10 Rev	Lily Floor Plans & Elevations
36-MAG-02 Rev B	Magnolia Floor Plans & Elevations
36-MAG-07 Rev	Magnolia Floor Plans & Elevations
36-BLO-01 Rev B	Semi-Detached Block Floor Plans & Elevations
36-BLO-02 Rev B	Semi-Detached Block Floor Plans & Elevations
36-BLO-08 Rev	Semi-Detached Block Floor Plans & Elevations
36-BLO-04 Rev B	Terrace Block Floor Plans & Elevations
36-VIB-04 Rev C	Viburnum Floor Plans & Elevations
36-WIS-07 Rev B	Wisteria Floor Plans & Elevations
36-SS-01 Rev B	Street Scene

Pre-commencement

- 3) Notwithstanding condition 2, no development shall take place until the following information has been submitted to and approved in writing by the local planning authority:
 - i) a full topographical site survey showing existing levels including the datum used to calibrate the site levels, levels along all site boundaries, levels across the site at regular intervals, and levels of adjoining buildings and their gardens; and
 - ii) full details of the proposed finished floor levels of all buildings, proposed garden levels, proposed levels along all site boundaries, and proposed levels for all hard and soft landscaped surfaces.

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

- 4) No development shall take place until:
- i) an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the local planning authority; and
 - ii) any necessary safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the WSI have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority.

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

- 5) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include the following details:
- i) parking provision for operatives and contractors within the site;
 - ii) safe access into/out of the site;
 - iii) measures to manage the routing of construction traffic and details of hours of associated vehicle movements;
 - iv) storage of plant, materials and top soil;
 - v) erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing and underbody washing facilities;
 - vii) measures to control dust, dirt and mud during construction;
 - viii) a scheme to control noise and vibration during construction, including details of any piling operations;
 - ix) a scheme for recycling/disposing of construction waste;
 - x) an implementation plan including contact details for individuals responsible for ensuring compliance; and
 - xi) Site Manager contact details and how these will be made available to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

- 6) No development shall take place until a Construction Environmental Management Plan: Biodiversity (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following details:
- i) risk assessment of potentially damaging construction activities;
 - ii) identification of 'biodiversity protection zone';
 - iii) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - iv) use of protective fences, exclusion barriers and warning signs;

- v) the location and timing of sensitive works to avoid harm to biodiversity features;
- vi) the times during construction when specialist ecologists need to be present on site to oversee works;
- vii) responsible persons and lines of communication; and
- viii) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

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

- 7) No development shall take place until a Habitat Management and Monitoring Plan (HMMP) to provide a minimum biodiversity net gain of 10.38% in area habitat units and 15.34% in hedgerow habitat units (together “the Biodiversity Units”) has been submitted to and agreed in writing by the local planning authority. The net biodiversity impact of the development shall be measured in accordance with the Government’s biodiversity metric 4.0 and the HMMP shall include:
- i) proposals for the actions/works necessary to provide the Biodiversity Units (“the Habitat Creation and Enhancement Works”);
 - ii) a timetable for completion of the Habitat Creation and Enhancement Works;
 - iii) details of the evidence to be provided to the local planning authority to confirm completion of the Habitat Creation and Enhancement Works and their “Completion Date”;
 - iv) details of management and monitoring arrangements for the Biodiversity Units including 30-year objectives, management responsibilities, funding arrangements, maintenance schedules, monitoring reports to be submitted to the local planning authority, and arrangements for carrying out any rectifying measures identified; and
 - v) a mechanism to review the HMMP every five years and agree amendments with the local planning authority.

The development shall be implemented in full accordance with the approved HMMP and any subsequent agreed amendments. No more than 70 dwellings shall be occupied until the Habitat Creation and Enhancement Works have been completed to the satisfaction of the local planning authority. The Biodiversity Units shall be maintained in accordance with the approved HMMP for a period of not less than 30 years from the Completion Date.

- 8) No development shall take place until a scheme to minimise the risk of groundwater pollution and/or off-site flooding caused by surface water run-off during construction has been submitted to and approved in writing by the local planning authority. Construction shall be carried out in accordance with the approved details.

- 9) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 10) Notwithstanding condition 2, no development shall take place until layout drawings have been revised, submitted to and approved in writing by the local planning authority to show the footway transitions extended beyond the raised table ramp adjacent to plots 13 and 24. The development shall be carried out in accordance with the approved layout drawings.
- 11) Notwithstanding condition 2, no development shall take place until the location and details of the 2no. pairs of dropped kerb/tactile paving crossing points in Mill Lane as shown in principle on the planning application drawings, and any consequential works including to the adjacent hedgerow, have been submitted to and approved in writing by the local planning authority. The crossing points shall be implemented in accordance with the approved details.

During construction

- 12) Site clearance, groundworks and construction work, including starting of machinery and delivery of materials, shall take place only between 0800-1800 on Mondays to Fridays and 0800-1300 on Saturdays and not at any time on Sundays or on Bank or Public Holidays.
- 13) Construction shall be undertaken in accordance with the approved Arboricultural Survey and Implications Assessment and Tree Protection Plan Ref 6620,EC,AR/AIA,TC/RF,AC/03-06-24/V7 by Geosphere Environmental Ltd. The local planning authority shall be notified in writing and arrangements for the pre-commencement site meeting shall be made at least 21 days prior to commencement of any works on site. Arboricultural monitoring shall thereafter be undertaken by the Project Arboricultural Consultant (PAC) every four months. Following each site inspection during the construction period the PAC shall submit a report to the local planning authority.

Before work above ground commences

- 14) Notwithstanding condition 2, no development above ground shall take place until samples of the materials to be used on the external finishes of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 15) No development above ground shall take place until a Biodiversity Enhancement Strategy prepared by a suitably qualified ecologist, in line with the recommendations of the Preliminary Ecological Appraisal Ref 4032,EC,DS/PEA/KL,RF/01-03-21/V4 by Geosphere Environmental Ltd, has been submitted to and approved in writing by the local planning authority. The Biodiversity Enhancement Strategy shall include the following:
 - i) purpose and conservation objectives for the proposed enhancement measures;
 - ii) detailed designs or product descriptions to achieve stated objectives;
 - iii) locations, orientations and heights of proposed enhancement measures with reference to maps and plans where relevant;
 - iv) an implementation and maintenance plan, including details of the timetable for implementation of the enhancement measures, of their initial aftercare and long-term maintenance (where relevant), and of the persons responsible for implementation and maintenance.

The enhancement measures in the Biodiversity Enhancement Strategy shall be implemented and thereafter retained and maintained in accordance with the approved implementation and maintenance plan.

- 16) No development above ground shall take place until a Lighting Scheme designed to promote personal safety and protect living conditions and the night-time landscape and biodiversity has been submitted to and approved in writing by the local planning authority. The Lighting Scheme shall include the following details:
 - i) phasing, location and design of all lighting to be installed within the site during periods of construction and occupation;
 - ii) ownership of lighting once the development is occupied and, where relevant, details of its maintenance to ensure personal safety;
 - iii) assessment of the impacts of the Lighting Scheme on biodiversity, with reference to Guidance Note 08/23 (Institute of Lighting Professionals), including identification of features and areas on or immediately adjoining the site that are particularly sensitive for bats and where lighting could cause disturbance along important foraging routes; and,
 - iv) lighting contour plans, isolux drawings and technical specifications to demonstrate which areas of the development will be lit and to limit impacts on the territories of bats.

The Lighting Scheme shall be implemented in full prior to first occupation of the dwellings hereby permitted and shall thereafter be retained and maintained in accordance with the approved details.

Prior to first occupation

- 17) Prior to the first occupation of the development hereby approved a Landscaping Scheme shall be submitted to and approved in writing by the local planning authority. The Scheme shall include the following:
- i) detailed specification including plant/tree types and sizes, plant numbers and distances, cultivation and other operations associated with plant and grass establishment;
 - ii) a strategy for the watering and maintenance of the new planting;
 - iii) colour and type of material for all hard surface areas and method of laying where appropriate; and
 - iv) an implementation programme.

The Landscaping Scheme shall be implemented in full in accordance with the approved details and shall thereafter be retained and maintained.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season in accordance with the details in the approved Landscaping Scheme.

- 18) Prior to first occupation of the development hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall include:
- i) description and evaluation of features to be managed;
 - ii) ecological trends and constraints on site that might influence management;
 - iii) aims and objectives of management;
 - iv) appropriate management options for achieving aims and objectives;
 - v) prescriptions for management actions;
 - vi) a work schedule including an annual work plan capable of being rolled forward over a five-year period;
 - vii) the body or organisation responsible for implementation of the plan;
 - viii) the legal and funding mechanisms by which long-term implementation of the plan will be secured with the responsible body or organisation;
 - ix) monitoring arrangements; and
 - x) how contingencies and/or remedial action will be identified, agreed and implemented so the development delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP shall be implemented in full in accordance with the approved details.

- 19) Notwithstanding condition 2, the development hereby permitted shall not be occupied until details of all gates, fences, walls and other means of enclosure, including their design and materials, have been submitted to and approved in writing by the local planning authority. The means of enclosure shall be erected in accordance with the approved details prior to first occupation and shall thereafter be retained.

- 20) The development hereby permitted shall not be occupied until details of any meter cupboards to be installed on the external elevations of the dwellings, including their location, design, materials and colour, have been submitted to and approved in writing by the local planning authority. The meter cupboards shall be installed in accordance with the approved details prior to first occupation and shall be retained in that form thereafter.
- 21) The development hereby permitted shall not be occupied until the Building Regulations optional requirements for accessible and adaptable dwellings (Part M(4) Category 2) have been complied with for the dwellings on all plots other than plots 77 and 78.
- 22) The development hereby permitted shall not be occupied until the Building Regulations optional requirements for wheelchair user dwellings (Part M(4) Category 3b) have been complied with for the dwellings on plots 77 and 78.
- 23) The development hereby permitted shall not be occupied until vehicular, cycle and pedestrian access to the proposal, including a priority junction off Mill Lane, has been provided in accordance with the approved drawings.
- 24) Notwithstanding condition 2, the development hereby permitted shall not be occupied until details of the location, size and design of cycle parking have been submitted to and approved in writing by the local planning authority. The cycle parking shall be provided in accordance with the approved details prior to first occupation and shall thereafter be retained.
- 25) The development hereby permitted shall not be occupied until details of the upgrade to two bus stops that best serve the site have been submitted to and approved in writing by the local planning authority. The upgrade shall be completed in accordance with the approved details prior to first occupation of the development.
- 26) The development hereby permitted shall not be occupied until Residential Travel Information Packs (RTIP) have been submitted to and approved in writing by the local planning authority. The approved RTIP shall be distributed to the first occupier of each dwelling within 6 weeks of completion of the relevant dwelling purchase.
- 27) The development hereby permitted shall not be occupied until a drawing showing the location and details of field gate access to the land to the north of the site, for the purpose of occasional farm access and management, has been submitted to and approved in writing by the local planning authority. The field gate access shall be provided in accordance with the approved details prior to first occupation and shall be retained in that form thereafter.

Post-occupation

- 28) 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 development permitted by virtue of Classes A, B, C and E of Part 1 of Schedule 2 to the Order shall be undertaken.

End of schedule