
Appeal Decision

Hearing held on 14 October 2025

Site visit made on 15 October 2025

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2025

Appeal Ref: APP/J1860/W/25/3369030

Land to the North of Hope Lane, Clifton Upon Teme

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Richard Pitt of Terra against the decision of Malvern Hills District Council.
 - The application Ref is M/24/00954/OUT.
 - The development proposed is described as 'outline planning permission for up to 55 dwellings (with means of access to the site be considered at this stage and all other matters reserved)'.
-

Decision

1. The appeal is allowed and outline planning permission is granted for up to 55 dwellings with all matters except access reserved at Land to the North of Hope Lane, Clifton Upon Teme in accordance with the terms of the application, Ref M/24/00954/OUT, subject to the conditions in the Schedule at the end of this decision.

Preliminary Matters

2. The proposal is for outline planning permission with all matters except access reserved. I have amended the description in the formal decision to reflect this. I have treated the other information as illustrative details of how the site might be developed.
3. In response to the Council's second reason for refusal, the appellant submitted a legal agreement made under section 106 of the Town and Country Planning Act 1990 (the Legal Agreement) which secures financial contributions towards, and the provision of, social and community infrastructure. As a result, the Council no longer sought to defend the second reason for refusal. I allowed time after the hearing for the completion of the Legal Agreement which was executed on 23 October 2025. I have had regard to the Legal Agreement in my determination of the appeal.
4. The South Worcestershire Development Plan Review has been submitted for examination. Whilst being at an advanced stage of preparation, public consultation will be undertaken on main modifications at the turn of the year, with adoption anticipated at some point in 2026. Having regard to Paragraph 49 of the National Planning Policy Framework (the Framework), I can only afford it limited weight in my decision. I have therefore relied upon the policies in the South Worcestershire Development Plan adopted February 2016 (LP) and the Clifton Upon Teme Neighbourhood Development Plan, made November 2017 (NP) in coming to my decision.

Main Issues

5. Although not included in the reasons for refusal, other matters were discussed during the hearing which are material to my decision. Consequently, the main issues are:
- whether the appeal site is a suitable location for the appeal scheme having regard to the development plan and the appeal site's proximity to services and facilities;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposal on protected species; and
 - whether there are any material considerations which mean that the decision should be made otherwise than in accordance with the development plan.

Reasons

Suitability of location

6. The appeal site lies adjacent to, but beyond, the western edge of the settlement boundary of Clifton Upon Teme. Accordingly, the appeal site is located in the open countryside where Policy SWDP 2 of the LP strictly controls development. The proposal would not comply with any of the exceptions set out in part c of Policy SWDP 2 of the LP or Policy CH2 of the NP.
7. As a category 1 village¹, Clifton Upon Teme has a reasonable range of local facilities including a nursery and primary school, village store, sports and leisure facilities. These are within easy reach of the appeal site although the lack of streetlighting and connected footways, may not make accessing those services on foot a convenient or attractive proposition for some users particularly those with reduced mobility or in the dark.
8. A school bus takes secondary school children to The Chantry in Martley. A limited public bus service operates from the village to Worcester, which takes around 45 minutes. The dentist, a food store, doctors and the library are over 9 kilometres away and cannot be reached by bus from Clifton Upon Teme.
9. The topography of the land surrounding the village and lack of dedicated cycle routes means that cycling is unlikely to be an option for anyone other than very keen cyclists.
10. These shortcomings would be mitigated to some extent by proposals to provide and improve footway connections, financial contributions towards bus services and community transport and a travel plan seeking to achieve a 15% modal shift in people travelling by car to more sustainable transport modes. This would undoubtedly provide opportunities for some future occupiers to access a number of services and facilities without using the car.
11. However, even with regards to Paragraph 110 of the Framework which indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I find that the appeal site's rural location, surrounding topography and the distance to services and facilities beyond Clifton Upon Teme would mean that for the most part, future occupiers of up to 55 dwellings would be dependent on the private car.

¹ as set out in Policy SWDP2 of the LP

12. The proposal would therefore introduce new housing into the countryside. The scale of development and future occupiers' dependency on the car to reach services and facilities required for day to day living, would not adhere to the distribution of development policies of the development plan. Conflict with Policy SWDP 2 of the LP and Policy CH2 of the NP would arise. This would undermine the planned approach to the distribution of development and be harmful, given the public interest in having a genuinely plan led system that provides consistency and direction.

Character and Appearance

13. The appeal site lies within a gently rolling, rural landscape which is dissected by tree lined valleys, woodland clusters and fields bordered by hedgerows and trees. This reflects the key characteristics of the Timbered Plateau Farmlands landscape character type in the Landscape Character Assessment (LCA). Although not a valuable landscape in terms of the Framework, it is nonetheless an attractive rural landscape.
14. The appeal site forms part of the overall landscape setting of the village and whilst it is not one of the significant views identified within the NP, it is nonetheless highly regarded by residents who commissioned their own review of the landscape and visual effects².
15. The site is part of a larger agricultural field, with hedges to the south and west and existing residential development to the east. The introduction of built development, activity, some illumination and a new access from Hope Lane on a largely open and 'natural' site would inevitably have an effect on the landscape given the intrinsic character and beauty of the countryside.
16. However, as an agricultural field with no unusual landscape features, it is fairly unremarkable. Its character is also influenced by its edge of settlement location, being immediately adjacent to the linear modern housing on Manor Road and Winnington Close. For these reasons, the appeal site makes a limited contribution to the distinctiveness of the landscape.
17. Its elevated position at the edge of the village means that development on the appeal site would be visible in distant views including from Holly Bush Lane to the west. It would also become visible on approach towards the settlement from the west along Hope Lane. However, from these vantage points, development on the appeal site would be seen in the foreground, against the backdrop of the existing development along Manor Road and Winnington Close. When viewed from the B4204 and bridleway 523B to the north, Salford Close is highly visible in the foreground, forming a prominent edge to the village. The proposed development would be set beyond Salford Close, such that it would not be highly conspicuous.
18. The proposed development would be visible from the public footpath (CT-562) to the south of the appeal site. However, this would mainly be at the point where it meets Hope Lane as the topography and trees largely screen the site from much of the footpath. The access with associated visibility splay and footway together with the built development on the site, would have an urbanising effect on the rural character of Hope Lane at this point. That said, the impact would be very localised.

² Undertaken by Carly Tinkler CMLI FRSA MIALE dated 14 October 2025

19. The occupiers of properties on Manor Road and Winnington Close which border the appeal site, currently enjoy far reaching views across the appeal site. Whilst careful positioning of the proposed dwellings and the layout of the appeal site could mitigate some of the harm in this respect, development of dwellings would urbanise the site and significantly alter their view. However, the provision of green infrastructure on the western part of the site, would open the site up to the public and provide publicly available views of the wider landscape. Given that planning is concerned with land use in the public interest, the protection of purely private interests must carry limited weight in my assessment.
20. Bringing all this together, development on the appeal site would have a limited impact on landscape character but a moderate visual impact by virtue of the scale of the development and its location on higher ground, beyond the existing built-up limits of the village.
21. Locating much of the built development on the eastern part of the site, closest to the existing edge of the village, and retaining the western part of the site for green infrastructure provision would mitigate the impact to an extent. Securing an Environmental Colour Assessment by condition would ensure that appropriate materials are used in the construction and finishing of the dwellings to seek to assimilate the development into its landscape setting. Additional tree planting and the provision of a new hedge along the northern boundary would reflect the guidelines in the LCA. Together, these measures would assist with assimilating the development into the landscape and mitigating some of the harm to landscape character and visual impact.
22. However, the impact of development on the appeal site cannot be fully mitigated and would still result in the irreversible loss of countryside. I therefore conclude that there would be harm to the character and appearance of the area, although for the reasons set out above, this would be on the lower end of the scale. Nonetheless, in this respect the proposal would conflict with Policies SWDP 21 and SWDP 25 of the LP which require that development protects and conserves key landscape features, is appropriate to and integrates with the character of the landscape setting.

Protected Species

23. The evidence before me indicates that the Preliminary Ecological Appraisal³ and the Ecological Impact Assessments⁴ (EclA) were carried out by competent persons in accordance with the appropriate guidelines⁵.
24. The assessments found that the development would result in the loss or fragmentation of terrestrial habitat for the Hazel Dormouse. These are European Protected Species (EPS). Developments that would result in a breach of the protection afforded to EPS require a derogation licence, to avoid an offence under the Habitats Regulations⁶.
25. As the Competent Authority for the purposes of Regulation 9(3) of the Habitats Regulations, it is necessary for me to assess whether there is a reasonable

³ Dated 30 May 2024

⁴ Dated 25 July 2024 and 26 November 2024

⁵ BS42020:2013 "Biodiversity, Code of Practice for planning and development" and Chartered Institute of Ecology and Environmental Management Code of Professional Conduct

⁶ The Habitats and Species Regulations 2017

prospect of a licence being granted by Natural England, having regard to the three derogation tests: (a) preserving public health or public safety or other imperative reasons of overriding public interest; (b) that there is no satisfactory alternative; and (c) that the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

26. The evidence before me demonstrates that mitigation is likely to include the provision of temporary nest boxes, timing constraints and ecological supervision during hedgerow clearance together with compensatory habitat being provided. From the evidence before me, I am satisfied that conditions would provide the necessary detail and certainty to secure the required mitigation and that the mitigation measures would ensure that the favourable status of the EPS would be maintained.
27. The significant undersupply of housing indicates that the Council's spatial strategy has failed to deliver sufficient housing. Clifton-Upon-Teme is a category 1 village with reasonable access to some services and facilities where some housing development is permitted. On this basis, no satisfactory alternative is before me. There would be significant benefits to housing supply and moderate benefits to the economy which, together, would be of overriding public interest. Therefore, I conclude that the proposal should meet all three derogation tests and I have no reason to doubt that a mitigation license would be issued on the basis of the evidence that is before me.
28. In addition, the EclA considers the impact on other protected species and necessary mitigation. I accept that nearby residents have witnessed skylarks but that none were recorded as part of the survey work, undertaken during the nesting season. The appellant's Ecologist acknowledged that surveys represented a snapshot in time and accordingly, any clearance work would be undertaken outside the nesting season to minimise the impact.
29. The Council's Ecologist has reviewed the wildlife surveys and biodiversity information submitted and has not raised any objections regarding the impact on protected species, including badgers and bats, subject to securing necessary conditions including the submission of a Hazel Dormouse strategy and a construction and environment management plan.
30. The appeal site is located within the Impact Risk Zone for the River Teme Site of Special Scientific Interest (SSSI). However, the proposed scheme is below the threshold for consultation with Natural England and the Council's Ecologist has not raised any objection. I see no reason to conclude otherwise.
31. I therefore find no conflict with Policy SWDP 22 of the LP, which seeks to prevent compromise to the favourable conservation status of EPS and adverse effects on the SSSI.

Other Considerations

32. Notwithstanding the views of interested parties that the Council are overproviding on housing, that there are a number of homes for sale in the village and incomplete developments and that any housing shortfall may improve in the future, the Council's published housing land supply sits at 2.06 years. This is a very significant shortfall at a time when the Government are seeking to significantly boost the supply of homes. Up to 55 dwellings, including up to 22 affordable dwellings would

make a moderate contribution towards supply and given the significant shortfall, this attracts substantial weight.

33. There would also be economic benefits arising from the development. The appellant estimates that 171 direct, indirect and induced jobs would be generated over the construction period. The occupation of the dwellings would inevitably result in increased patronage of local services and facilities. Whilst I heard from interested parties that the village store does not require the development to remain viable, I am mindful that Paragraph 83 of the Framework refers to development in one village also supporting services in a village nearby. Together, I give the economic benefits moderate weight.
34. In terms of biodiversity, the proposed development is anticipated to give rise to a Biodiversity Net Gain ("BNG") of 17.71% for habitat units and 160% for hedgerow units. This includes the planting of a hedge along the northern boundary of the site. Given that some of this would mitigate the loss of the hedgerow on Hope Lane to provide access to the site, I give this modest weight.
35. The appeal site comprises of 3.32 hectares of grade 3a best and most versatile (BMV) agricultural land. I accept that an area of land below 2 hectares would comprise the extent of the 'built' development but the construction of a balancing pond, play areas and the provision of green infrastructure on the remainder of the land would take the whole site out of agricultural production.
36. Policy SWDP 13 of the LP does not prevent the development of BMV land provided it can be demonstrated that it cannot be reasonably accommodated on non-BMV land and that the benefits significantly outweigh the loss. The supporting text to Policy SWDP 13 of the LP states that only 17.1% of the land in Worcestershire is non-BMV land with over half the remaining land being grade 3. Given the Council's housing land supply position, and in the absence of substantive evidence relating to the availability of previously developed land, I am satisfied that the development cannot reasonably be accommodated on non-BMV land. For reasons I set out in the planning balance, the benefits of the proposal significantly outweigh the loss of BMV land and I find no conflict with Policy SWDP 13 accordingly.
37. The proposal would add vehicular movements to the rural network of roads leading to and through the village which are not designed to modern standards or for the large vehicles which currently use them. However, at just one additional movement every 3-4 minutes in the am and pm peak period, the increase in traffic resulting from the development would not be significant.
38. Whilst I appreciate that my site visit between 0820 and 0835 was just a snapshot in time, I did not see the indiscriminate parking referred to by interested parties at the junction of Hope Lane and Pound Lane with High Street during the morning school bus pick up and I observed that the footways were kept clear during this time.
39. No personal injury collisions have been recorded in the vicinity of the appeal site over the last 5 years. I have been made aware that there have been a number of incidents on the roads surrounding the village. However, there are a number of possible causes for this and, in the absence of evidence to the contrary, it does not indicate to me that the roads are inherently dangerous. I am also mindful that the scope of the Transport Assessment was agreed with the Highway Authority who also concurred with its findings.

40. The proposal would provide appropriate visibility splays and access geometry and improvements to the footway connections along Hope Lane. Therefore, whilst an increase in potential traffic is inevitably unwelcome, the proposal would not result in undue effects on highway or pedestrian safety and there is no substantive evidence before me that it would generate an unacceptable level of noise or pollution.
41. There is no substantive evidence before me that granting planning permission for the appeal proposal would prejudice the outcome of the plan making process, as set out in Paragraph 51 of the Framework. There is also no evidence that the appeal proposal would result in an increase in crime or dog fouling and the statutory undertaker has not raised any objection in terms of the adequacy of the sewage infrastructure, water supply and pressure.
42. There is no indication from the Education Authority that the proposal would put excessive strain on the capacity in the local schools and a financial contribution in the Legal Agreement would assist in increasing GP capacity in the catchment area.
43. Various appeal decisions on other sites have been drawn to my attention. However, as I have only been provided with appeal reference numbers and a short summary, I have been unable to draw any parallels with the appeal proposal and cannot ascribe any weight to them in determining this appeal. In any event, I must assess this scheme on its own planning merits.
44. The layout of the site and how this would impact on the living conditions of the occupiers of existing properties in respect of overlooking and privacy would be a matter for consideration at reserved matters stage.
45. The proposal has undoubtedly stirred strong emotions in the community but the number of objections to the proposal is not a matter relevant to my consideration of the appeal.

Planning Obligations

46. In the event that planning permission were to be granted and implemented, the planning obligations within the Legal Agreement would secure:
 - affordable housing;
 - on-site public open space;
 - a financial contribution relating to off-site public open space, sports and recreation facilities;
 - a financial contribution to increase capacity within the GP catchment area;
 - a financial contribution towards Special Educational Needs and Disability (SEND) facilities;
 - a financial contribution towards community, home to school and public transport; and
 - a financial contribution towards Acute NHS care.
47. I have considered the planning obligations of the Legal Agreement in light of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) (CIL), Paragraph 58 of the Framework and the Council's CIL Compliance Statement which sets out the relevant planning policy support and justification.
48. Overall, I am satisfied that these obligations are directly related to the proposed development, fairly and reasonably related to it and necessary to make it

acceptable in planning terms and no conflict with Policies SWDP 3, 7, 15, 39 and 62 of the LP would arise. With the exception of affordable housing which I have dealt with above, these obligations serve to comply with relevant policies in the development plan or mitigate the effects of the development. In this respect they are largely neutral in my consideration of the appeal, as are the benefits arising from the proposed highway works and the creation of green infrastructure.

Planning Balance

49. The introduction of new housing into the countryside would conflict with the development plan and harmfully undermine the spatial strategy for the location of housing. Notwithstanding the settlements status as a category 1 village, there would be an overreliance on the car to meet everyday needs, even with the mitigation which would be provided. There would also be some harm to the character and appearance of the area.
50. The proposal would therefore conflict with the development plan as a whole. However, because of the housing land supply position, Policy SWDP 1 of the LP regarding the presumption in favour of sustainable development and Paragraph 11d) of the Framework are relevant. This means that the development plan policies which are most important for determining this appeal are deemed out of date. Given the Councils significant housing shortfall, it is clear that the strategic policies for housing are failing to deliver sufficient housing. Accordingly, the conflict with the development plan attracts only moderate weight in this instance.
51. There are some factors which are neutral in the planning balance and weigh neither for nor against the proposal.
52. There would be benefits arising to which I have given limited to moderate weight to, including the economic benefits of the proposal.
53. However, I have given substantial weight to the provision of housing taking account of the extent of housing land supply shortfall. My finding is therefore that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Accordingly, the presumption in favour of sustainable development applies.
54. My assessment is based upon the particular circumstances and merits of the case so a decision to allow this appeal would not set a precedent for future proposals.

Conditions

55. I have had regard to the advice in the Planning Practice Guidance, the conditions provided in the Statement of Common Ground and the discussion regarding conditions at the Hearing. I have considered all the suggested conditions and imposed them where they meet the tests set out in Paragraph 57 of the Framework, amending where necessary for the sake of simplicity, clarity and precision, including removing unnecessary tail pieces.
56. In addition to those conditions which I have already referred to, it is necessary to impose time limit conditions for implementation and the submission of reserved matters as well as setting out what they are, to define the permission. A condition

requiring that the development is carried out in accordance with the approved drawings is necessary in the interest of certainty and highway safety. A condition requiring the reserved matters to be undertaken in general accordance with the parameters plan is necessary to protect the character and appearance of the area.

57. The protection of existing trees is necessary in the interest of the character and appearance of the area. A condition securing a scheme of archaeological recording is necessary to ensure the proposed development does not have a detrimental impact upon the historic environment.
58. To ensure that the site is suitably drained and to prevent flooding elsewhere, conditions requiring the approval and implementation of a surface water and foul water drainage scheme are necessary. In the interests of the living conditions of nearby occupiers, a construction management plan is necessary.
59. Conditions relating to landscaping details, watering points and the provision of secure cycle parking are not necessary as landscaping and layout are matters reserved for future consideration.

Conclusion

60. The proposed development would not adhere to the development plan, but material considerations indicate that the appeal should be determined otherwise than in accordance with it. Accordingly, the appeal should succeed.

Alison Fish

INSPECTOR

Schedule of Conditions

1. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced. The development shall be carried out in accordance with approved reserved matter details.
2. Application(s) for the approval of all reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

4. The development hereby approved shall be carried out in accordance with drawing nos: 7265-P-01 - Site Location Plan; 240108-RAP-XX-XX-DR-TP-3201 P05 - Access Arrangement & Gateway Feature Plan; 240108-RAP-XX-XX-DR-TP-3200 Rev P04 – Footway and Pedestrian Improvements Plan and 240108-RAP-XX-XX-DR-TP-3202 Rev P03 - Visibility Assessment.
5. The reserved matters shall be brought forward in general accordance with drawing no. 7265-P-51 - Land Use Parameter Plan.
6. As part of the reserved matters application(s), an ecological design strategy (EDS) for compensation and enhancement measures for protected species shall be submitted to and approved in writing by the local planning authority. The EDS shall include the following.
 - a. Purpose and conservation objectives for the proposed works.
 - b. Review of site potential and constraints.
 - c. Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d. Extent and location/area of proposed works on appropriate scale maps and plans.
 - e. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g. Persons responsible for implementing the works.
 - h. Details of initial aftercare and long-term maintenance.
 - i. Details for monitoring and remedial measures.
 - j. Details for disposal of any wastes arising from works.
 - k. A lighting design strategy to clearly demonstrate that any areas to be lit will not disturb or prevent nocturnal and sensitive species using their territory or having access to their breeding sites and resting places.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
7. No development shall commence until details of tree protection measures in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) shall have been submitted to and approved in writing by the local planning authority. Before development of any type commences, including site clearance, demolition, materials delivery, vehicular movement and erection of site huts, the approved tree protection measures will be implemented. The approved tree protection measures shall remain in place until the completion of development.
8. (A) No development shall commence until a programme of archaeological work, including a Written Scheme of Investigation (WSI), has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - 1) The programme and methodology of site investigation and recording.
 - 2) The programme for post investigation assessment.
 - 3) Provision to be made for analysis of the site investigation and recording.
 - 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation.

- 5) Provision to be made for archive deposition of the analysis and records of the site investigation.
- 6) Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.
- (B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under condition 8. (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
9. No works or development shall commence until a construction surface water management plan has been submitted to and approved in writing by the local planning authority. The plan shall include how surface water will be managed during the construction phase, including site clearance, soil stripping and pond amendments. The plan shall include drawings of any temporary drainage systems, a timeline of construction and measures to mitigate the risk of pollution (including silt) of the water environment and offsite flood risk. The plan shall detail how the approved permanent surface water drainage system shall be remediated during the construction phase. The approved construction surface water management plan shall be implemented as soon as works start on site and shall thereafter be maintained during the full duration of the construction phase.
10. No development shall commence until drainage plans for the disposal of foul water flows have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first occupied.
11. No works in connection with site drainage shall commence until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the local planning authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and the Flood Risk Assessment Revision 7 dated 12 September 2024 by Rappor. If possible, infiltration techniques shall be used and the plan shall include the details and results of field percolation tests. The scheme shall provide detailed design drawings for all drainage assets and run off treatment proposals for surface water drainage. Exceedance flows shall not be directed to property or private land. If a connection to a sewer system is proposed, then evidence shall be submitted of the in-principle approval of the third party owner for this connection. Where the scheme includes communal surface water drainage assets, proposals for dealing with the future maintenance of these assets shall be included. The scheme shall include proposals for informing future homeowners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall be implemented prior to the first occupation of the development and thereafter maintained in accordance with the agreed scheme.
12. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The

approved CMP shall be adhered to throughout the construction period. The CMP shall provide for details of the following:

- a. the parking of vehicles of site operatives and visitors
- b. location of loading and unloading of plant and materials
- c. hours of demolition/construction/delivery
- d. the management of noise and vibration from demolition and groundwork, including monitoring.
- e. measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- f. the management of dust emissions from all sources including stockpiled material.

The development shall be implemented in accordance with the approved details.

13. No development, site clearance, vegetation removal, or ground works shall commence until a Hazel Dormouse Mitigation and Monitoring Strategy (HDMMS) has been submitted to and approved in writing by the Local Planning Authority. The HDMMS shall demonstrate that measures to minimise impacts on dormice follow a hierarchy of avoidance, mitigation and compensation and shall include a comprehensive mitigation plan stating explicitly how negative impacts at all stages of the development are to be addressed, and details of enhancement measures, on-going monitoring, timescales and remedial measures and their triggers.

The approved HDMMS shall be adhered to and implemented in accordance with the approved details, unless varied by a hazel dormouse licence subsequently issued by Natural England.

14. No development, vegetation removal, site clearance, shall commence 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 be informed by updated ecological surveys as appropriate, but will 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/mitigation strategies) and shall include mitigation measures for bats, reptiles, birds (including Skylarks) and mammals (with cross reference to the HDMMS);
 - 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, silt management measures and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period in accordance with the approved details.

15. No development shall commence until a Habitat Management and Monitoring Plan (the HMMP), has been prepared and submitted to and approved in writing by the local planning authority. The HMMP shall include:
- a. a non-technical summary;
 - b. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - c. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Statutory Biodiversity Metric, together with a timetable for its provision;
 - d. the management measures to maintain all habitat set out in the HMMP for a period of 30 years from the completion of development;
 - e. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority; and
 - f. how contingencies and/or remedial action shall be identified, agreed and implemented where the results of the monitoring show that the conservation aims and objectives of the HMMP are not being met, so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Notice in writing shall be given to the Council when the works as set out in the HMMP have been completed. The works shall thereafter be managed and maintained in accordance with the approved HMMP. Monitoring reports together with any required contingencies and remedial action shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

16. No development shall commence until the local planning authority has approved an Environmental Colour Assessment, which shall include a detailed survey of existing site colours, a synthesis of a representative palette using the Natural Colour System (NCS), and a proposed colour scheme for all external materials and finishes, including brick, tile, window and door frames, soffits, fascias and rainwater goods. The assessment shall outline how the proposed colours will integrate with, or provide appropriate contrast to, the surrounding context and shall be retained throughout the life of the development.
17. The development hereby approved shall not be brought into use until the visibility splays shown on drawing no: 240108-RAP-XX-XX-DR-TP-3202 Rev P03 have been provided. Once provided, the visibility splays shall at all times, be maintained free of obstruction exceeding a vertical height of 0.6m above the carriageway. The development hereby approved shall not be occupied until the access as detailed on drawing no: 240108-RAP-XX-XX-DR-TP-3201 Rev P05 and the off-site highway improvements as detailed on drawing no: 240108-RAP-XX-XX-DR-TP-3200 Rev P04 have been implemented and confirmed in writing by the local planning authority.
18. Within 7 months of the development hereby being first occupied, a comprehensive Residential Travel Plan (RTP), setting out measures to achieve and monitor a minimum 15% mode shift reduction in people traveling by car shall be submitted

to and approved in writing by the local planning authority. The measures and monitoring set out in the approved RTP shall be carried out and complied with in full during the approved timescales contained therein.

End of Schedule

Richborough

APPEARANCES

FOR THE APPELLANT:

Mr Cairnes	No5 Barristers Chambers – Counsel
Mr Austin-Fell BA(Hons) MA MRTPI	Director, RPS Group
Mr Harris BA Dip LA CMLI	Director, HMP Design
Mr Santos EngTech, MCIHT	Principal Transport Planner, Rappor
Mr Cowlshaw BSc MSc MCIEEM MRSB	Associate Director, Envance
Mr Herd BA(Hons) MSc MRTPI	Principal Planning, RPS Group

FOR THE LOCAL PLANNING AUTHORITY:

Mr Hanley	Planning Officer
Mr Lewis-Farley	Tree and Landscape Officer
Mr Ford	Planning Policy Officer

INTERESTED PARTIES:

Mrs Rowe	Local resident
Mr Roberts	Local resident
Ms Tinkler	Local resident
Mrs Evans	Local resident
Mr Bowden	Local resident
Mr Olley	Local resident
Mr Rowe	Local resident
Mr Lewis	Local resident
Mrs Dawson	Local resident
Mr Neave	Local resident
Mrs Hann	Local resident
Mr Everard	Local resident
Cllr Cumming	District Councillor
Mr Dimmock	Local resident
Ms Tissiman	Local resident

DOCUMENTS PRESENTED DURING THE HEARING

DOC 1 Transcripts read out by interested parties, a suggested walking route around the village and a map indicating various footpaths and viewpoints surrounding Clifton Upon Teme.

POST-HEARING DOCUMENTS

PHD1 Draft conditions

PHD2 Executed Section 106 Legal Agreement dated 23 October 2025

Richborough