



SOUTH DERBYSHIRE DISTRICT COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78(1) APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION**

**Statement of Case on behalf of the Local Planning Authority
in accordance with The Town and Country Planning (Appeals) (Written
Representations Procedure) (England) Regulations 2009**

22 April 2016

Planning Inspectorate Reference: APP/F1040/W/15/3139898

Local Planning Authority Reference: 9/2015/0796

Date of Appeal: 18 March 2016

**The erection of 4 dwellings on land adjacent to Coppice Farm, Green Lane,
Overseal, Swadlincote, DE12 6JP**

Appellant: Mr J Read

Appellant's Agent: IMcH Planning and Development Consultancy

1.0 Introduction

- 1.1 This Statement of Case (SoC) is the response of the Council to the lodging of an appeal against the refusal of the Council to grant full planning permission for the erection of 4 dwellings on land off Green Lane/Sealwood Lane, Overseal.
- 1.2 The proposed development comprises the erection of 4 dwellings – two of which would front Sealwood Lane whilst the remaining two would frame a small courtyard to the rear, posing as a single storey barn conversion with rooms in the roofspace. The two dwellings to the site frontage would appear as 1.5 storey houses¹, with eaves raised some distance above window header height. Again rooms would be provided in the roofspace, with dormers to one plot (house type 4). Each dwelling would incorporate traditional features, such as segmental arched window heads and corbelled eaves and verges.
- 1.3 The two dwellings to the site frontage would take access directly off Sealwood Lane, whilst those to the rear would be accessed via a private drive, also leading off Sealwood Lane. Three of the dwellings would have integral single garages with all properties providing between 3 and 4 parking spaces.
- 1.4 One of the existing buildings would be retained until completion of the development in order to provide a habitat for barn owls which are present on the site.
- 1.5 Contrary to officer recommendation, permission was refused on 29 October 2015 for a single reason:

“The design of the proposed development would be out of keeping, out of scale and overbearing on the existing settlement, contrary to the Saved Local Plan Housing Policy 11 and Chapter 7 of the NPPF.”
- 1.6 This SoC substantiates the reason for refusal and covers all other relevant material planning considerations, as well as setting out suggested conditions in the event that the appeal is allowed.

¹ Confirmed on layout plan and in Appellant's SoC

2.0 Site Description

- 2.1 The site measures some 0.22ha and is situated on the northern side of Sealwood Lane, which links to the Burton Road (A444) via Green Lane. The site lies outside the defined settlement confines of Overseal and is within the National Forest and the River Mease Special Area of Conservation (SAC). It is located to the west of the former Coppice Farm, which has recently been redeveloped by the erection of a replacement two-storey dwelling and further dwelling of single storey form. The existing properties on Green Lane and Sealwood Lane comprise, in the majority, bungalows and 1.5 storey dwellings with occasional two-storey houses – the latter either former farmsteads or located close to the ribbon of similar scale dwellings fronting the A444.
- 2.2 The site is enclosed by mature hedgerows to three sides (north, west and south). It contains two brick and tin-sheeted buildings, timber sheds and a metal shipping container; all of which are neglected and in various states of disrepair. The site is overgrown with dense bramble vegetation and contains evidence of a former commercial use (picture framing business), being littered with broken glass, timber and other debris (although Council records indicate this use was without consent, nor can it be established whether the use continued sufficiently to accrue lawfulness as such). There is also evidence of a concrete pad, which is also becoming buried under brambles and moss vegetation.
- 2.3 The site is generally open fronted and visible from Sealwood Lane and two adjoining public footpaths – number 36, the route which passes along Sealwood Lane; and number 6, which passes along the northern boundary (see Appendix A). The site lies close to the highest ground in immediate to wider area being close to the crest of Mount Pleasant which divides Overseal to the south from Swadlincote to the north. There are extensive, open views across the surrounding countryside to the south, and equally uninterrupted views back towards the site from a wider network of footpaths – some of which are shown at Appendix A.

3.0 Planning History

- 3.1 An application for residential development at Coppice Farm, which included the application site, was refused in July 1953. A further application for the erection of 26 dwellings was refused on in November 1959.
- 3.2 Permission was granted in May 2010 for the demolition of Coppice Farmhouse (to the eastern boundary) and its replacement with a detached two-storey dwelling, a detached double garage and the erection of a single storey dwelling; together with the creation of a new vehicular access to serve both properties (ref: 9/2010/0324).
- 3.3 An application for four detached dwellings on the appeal site (ref: 9/2014/1095) was refused in June 2015 for the same reason as stated at 1.5 above.

4.0 Relevant Policies and Weight Afforded

4.1 At the time of the Council's decision, the following local and national planning policies and guidance were relevant:

- South Derbyshire Local Plan 1998 (saved policies) ('the LP1998'): Housing Policies 5, 8 and 11 (H5, H8 and H11); Environment Policies 1, 10 and 11 (EV1, EV10 and EV11); and Transport Policy 6 (T6);
- South Derbyshire Local Plan Part 1 (emerging policies) ('the LPP1'): 1 (Sustainable Strategic Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S4 (Housing Need), S6 (Sustainable Access), H1 (Settlement Hierarchy), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Delivering Sustainable Water Supply, Drainage and Sewerage), BNE1 (Design Excellence), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport), INF7 (Green Infrastructure) and INF8 (The National Forest)
- National Planning Policy Framework ('the NPPF'), particularly paragraphs 6, 7, 8, 14, 17, 55, 58, 59, 61, 118, 203, 204, 206, 215 and 216; and
- National Planning Practice Guidance ('the PPG'), particularly ID26 (Design)

4.2 Notwithstanding the above, the Development Plan, now comprising solely of the LP1998, still forms the primary policy consideration under Section 38(6) of the Planning and Compulsory Purchase Act 2004. Paragraphs 11 and 12 of the NPPF reaffirm this, although material considerations can indicate otherwise.

4.3 The NPPF and PPG are acknowledged to be material considerations, whilst the Examination in Public (EiP) of the LPP1 has, since the Council's decision, concluded and, following her recommendation to undertake a final consultation on the proposed modifications; the Inspector's report is expected imminently. It is anticipated that the LPP1 will be adopted in May 2016 such that a decision on this appeal may need to account for changing circumstances in this respect. The Council will endeavour to keep the Inspector informed of progress with the LPP1 and associated 5 year supply position (see discussion in section 5).

The Development Plan

4.4 Due to the age of the LP1998 and its date of adoption, paragraph 215 is relevant in determining how much weight should be afforded to saved policies. Paragraph 215 states *"due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to*

the policies in the Framework, the greater the weight that may be given)” [Council’s emphasis]. It is thus not a test of policy age but of policy consistency.

- 4.5 H11 deals with the layout and design of housing developments. It is supplemented by the Councils Supplementary Planning Guidance (SPG) ‘Housing Design and Layout’². H11, amongst other objectives, seeks to ensure developments provide for a reasonable environment for the public at large. This criterion, when read alongside the other aims of the remaining criteria and the supporting justification, seeks to ensure the aesthetics of the development are visually appropriate and harmonise with the local vernacular. This is particularly important as the built environment of the District should seek to promote high quality design and encourage other applicants and developments to achieve the same.
- 4.6 The SPG makes it clear in its opening paragraph it is designed to supplement H11. The second aim highlighted is *“to achieve a pleasant environment in which to live that respects the character of the area in which it is situated”*. The guiding principles go on to confirm that efficient use of land will be an important consideration but *“this will not be at the expense of seeking to ensure that new housing respects the local vernacular and distinctiveness of South Derbyshire”*. The SPG seeks to ensure development respects the landform of the site, and the form and nature of the surrounding development (first page, second column, final paragraph).
- 4.7 It is submitted that H11 and the SPG align with the provisions of Chapter 7 of the NPPF – in particular those paragraphs highlighted below, as well as the supporting PPG. Accordingly it is considered H11 and the SPG can be afforded significant weight.

The Emerging Plan

- 4.8 Policy BNE1 seeks to ensure development is well designed and responds to the characteristics of the site and its environs, advocating that all new development should embrace the principles of sustainable development, creating places which respond to their context and have regard to valued landscape, townscape and heritage characteristics and development which respects important landscape, townscape and historic views and vistas. This aligns with the core principles of the NPPF.
- 4.9 As noted above, the policy landscape has changed somewhat since the Council’s decision. Paragraph 216 of the NPPF confirms that from decision-takers may give weight to relevant policies in emerging plans according to:

² Included with the Council’s Questionnaire

- *“the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

4.10 With the LPP1 at an advanced stage, attention focusses on the consistency of BNE1 with the NPPF and the extent of unresolved objections. The consistency with the NPPF has been discussed above. In respect of unresolved objections, the minor modifications submitted to the EiP hearings in late 2015 addressed any concerns previously raised in the examination process. The policy did not attract any further discussion or representation. It is reasonable, therefore, to assume there is no concern over the soundness of this policy and the Inspector’s report is expected in the coming weeks allowing for adoption in mid-May. Accordingly significant weight may be afforded to BNE1 – a view ratified very recently³.

4.11 It is also noted that upon adoption of the emerging Plan, which is anticipated to occur at a full meeting of the Council in mid-May; a 5.21 year HLS would exist. This is anticipated to be higher once monitoring work confirms the anticipated delivery of the full housing trajectory for the 2015/16 year. Whilst not advanced as a reason to dismiss this appeal, this would serve to temper the weight which might be afforded to housing supply in the overall planning balance.

The NPPF & the PPG

4.12 The definition of sustainable development is set out in paragraphs 6 to 8 of the NPPF. It is noted that the social role of sustainable development (paragraph 7) advocates creation of a *“high quality built environment”* whilst the environmental role seeks to enhance *“our natural, built and historic environment”*.

4.13 The presumption in favour of sustainable development is noted (paragraph 14) and this point is returned to in Section 5 below.

4.14 The Core Principles, as set out at paragraph 17, amongst other things includes a desire to *“always seek to secure high quality design”* and *“take account of the different roles and character of different areas”*. Paragraph 55 is also noted, and it is considered the proposal would contribute to maintaining the vitality of the rural community in this area.

³ Newton Road, Winshill (ref: 3121527) para 17.

- 4.15 Chapter 7 of the NPPF concerns itself with requiring good design. Paragraph 58 states developments should *“add to the overall quality of the area, not just for the short term but over the lifetime of the development”*; and *“respond to local character and history, and reflect the identity of local surroundings and materials”*.
- 4.16 Paragraph 59, *inter alia*, advocates concentration on guiding the overall scale, density, massing and height of new development in relation to neighbouring buildings and the local area more generally [Council's emphasis].
- 4.17 The PPG encourages promotion of *“character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development”*, whilst *“the successful integration of all forms of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre”*⁴.
- 4.18 Distinctiveness is advocated as what often makes a place special and valued⁵. It relies on physical aspects such as the local pattern plots, building forms, style and vernacular and landform.
- 4.19 In considering layout, the PPG highlights that *“new development should look to respond appropriately to the existing layout of buildings, streets and spaces...”* whilst *“the layout... should be considered in relation to... streets and spaces; the topography; the general pattern of building heights in the area; and views, vistas and landmarks into and out of the development site”*⁶. This latter guidance is particularly relevant when turning to the discussion in the following section of the SoC.
- 4.20 Scale is also an important component of appropriate design⁷:

“In general terms too much building mass compared with open space may feel overly cramped and oppressive... [and] the size of individual buildings and their elements should be carefully considered, as their design will affect the: overshadowing and overlooking of others; local character; skylines; and vistas and views”.

⁴ ID: 26-007 (Design)

⁵ ID: 26-020 (Design)

⁶ ID: 26-024 (Design)

⁷ ID: 26-026 (Design)

5.0 The Case for the Local Planning Authority

- 5.1 The Council's refusal is predicated on the development being "*out of keeping, out of scale and overbearing on the existing settlement*". Each component of this judgement is explored individually.

Out of keeping

- 5.2 Housing fronting onto Green Lane and Sealwood Lane are all single plot depth, generally with a large front garden. There is no tandem or 'backland' development in the vicinity, with dwellings fronting onto and having a visual association and relationship with the public highway and thoroughfares. In general, dwellings along these two lanes are also set some distance back from the highway, with large intervening front gardens.
- 5.3 The proposed development would bring about frontage development in the way of the two plots facing Sealwood Lane, but the remaining two plots would be conspicuous as a backland development to the rear. With public footpaths to both the front and rear of the site, such an arrangement would be conspicuous and this would be even more pronounced from Sealwood Lane by way of the shared driveway – an uncharacteristic feature in the vicinity.
- 5.4 In turn the density of development on this site equates to 18.2 dwellings per hectare (dph). Whilst the Council does not have policies to define maximum (or minimum) densities, it is a useful tool in establishing whether a proposal harmonises in relation to neighbouring buildings and the local area (paragraph 59 of the NPPF and the PPG). An analysis of surrounding plots is provided at Appendix B which demonstrates the proposal represents a much higher density than its surroundings (in the main), and in turn provides the concept of a more dense and urban development – at a point where density should be reducing towards the open countryside, in turn failing to assimilate into the predominant rural setting.
- 5.5 The proximity of the built form to the highway also does not assist, with the two plots facing Sealwood Lane located in parts less than 6 metres from the carriageway edge. As a consequence these gardens are uncharacteristically cramped whilst hedgerow would need to be removed increasing the evident contrast with existing dwellings.

Out of scale

- 5.6 The predominant scale of dwellings in the Green Lane area is single storey bungalows. Appendix B demonstrates how in the majority the eaves and ridge lines are low to the ground in this area, respecting the rising landform as shown at Appendix A. This assists in ensuring built form does not rise prominently above the

village and open and to the south – instead nestling tightly into this exposed edge of the higher ground in the area. This nature of development means that it does not interrupt views towards the site from the south-west, south and south-east. Where two-storey dwellings exist, these are former isolated farmsteads (or their subsequent replacements); whilst those one-and-a-half storey dwellings are positioned towards lower contours.

- 5.7 The existing buildings represent a limited built footprint on the wider site and follow the aforementioned character in terms of scale. Their replacement would not echo this characteristic in so far as the dwellings to the Sealwood Lane frontage. The dwellings carry uncharacteristically high eaves – some 3.5m from ground level whereas existing bungalows in the vicinity have eaves at around 2.2 to 2.5m. Coupled with a considerable depth (range) and 45 degree pitch, the ridge line sits at 7m – well above the predominant counterparts in the vicinity.
- 5.8 Whilst The Brambles to the east has a similar arrangement, the context of this site is somewhat different, sitting downslope of the appeal site. Appendix A highlights how the land falls some 3 or 4m over some 50m between this property and the appeal site – more than a whole storey.

Overbearing on the existing settlement

- 5.9 Overbearance is a term often used to describe amenity impacts. In the context of the Council's refusal however, it is a reference to the position and elevation of the development and its failure to assimilate into views of the site and the wider environs – thus appearing dominant and overbearing against the backdrop of other urban form.
- 5.10 The above discussion regarding the density of the built form, the position of the development on the highest ground along Sealwood Lane and Green Lane, the proximity of built form to the highway and the general scale of these forward dwellings; all highlight how the perception of an overbearing development arises.

The Grounds of Appeal and other matters

- 5.11 Where not already addressed in discussion thusfar, particular points of the appellant's SoC are dealt with here (utilising his paragraph numbers as reference):
- 4.2 It is agreed that the principle of development, whilst outside of the existing settlement confines, is acceptable. The development would facilitate the re-use of a brownfield site.
- 6.2 It is agreed that the development would not have an unacceptable impact on neighbouring amenities in terms of overlooking or overshadowing.

6.3 It is agreed there is not a concern in respect of highway safety, with the response of the County Highway Authority⁸ positive subject to conditions.

7.1 The planning obligation to satisfy the impact on the River Mease SAC is necessary for the decision maker to satisfy their duty under the Habitat Regulations. Should an obligation not be supplied, the Inspector is invited to consider whether the impacts arising would be acceptable in ecological terms.

The obligation is considered to fulfil the tests set out in Regulation 122 of the CIL Regulations given it is necessary to mitigate for increased flows and pollutants to waste water treatment works which in turn discharge to the River Mease. The River Mease Developer Contribution Scheme (DCS) document⁹ sets out the evidence in further detail.

Furthermore, as the obligation would not secure financial contributions towards an infrastructure project (as defined by the CIL Regulations), there is no issue of pooling under Regulation 123.

5.12 Other matters, such as highway safety, ecology and impact of local services and facilities are discussed in the committee report¹⁰, and subsequently addressed in the proposed conditions as set out below.

Conclusion

5.13 The proposed development is considered contrary to saved policy H11 of the LP1998, policy BNE1 of the emerging Plan, paragraphs 58 and 59 of the NPPF, and ID26 (Design) of the PPG, for the reasons as set out above. There are considered not to be any other material considerations which outweigh the provisions of the Development Plan that would justify a different decision being taken. It is therefore requested that the appeal be dismissed.

⁸ Included with the Council's Questionnaire

⁹ Included with the Council's Questionnaire

¹⁰ Included with the Council's Questionnaire

6.0 Conditions in the event of the Appeal being allowed

6.1 Without prejudice to the above observations, in the event of the Appeal being allowed, it is requested that consideration be given to imposition of the following conditions – a number of which arise from consultation responses received from statutory and technical consultees¹¹:

- a. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

- b. The development hereby approved shall be carried out in accordance with plans/drawings 15/CFO/LP, 15/CFO/01e, 15/CFO/02h, 15/CFO/03h, 15/CFO/06f, 15/CFO/07h, 15/CFO/08h and 15/CFO/10h unless otherwise required by condition attached to this permission or as allowed for by way of an application made pursuant to section 96A of the Town and Country Planning Act.

Reason: For the avoidance of doubt and in the interests of proper planning.

- c. Before development involving the construction of any dwelling commences precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the buildings and the locality generally.

- d. Before any development commences a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area, recognising that initial groundworks could lead to irrevocable loss of existing vegetation.

¹¹ Included with the Council's Questionnaire

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

Reason: In the interests of the appearance of the area.

- f. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 2015, before the occupation of any dwelling plans indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before each respective dwelling is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the area.

- g. Before any development commences details of the finished floor levels of the dwellings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed levels.

Reason: To protect the amenities of adjoining properties and the locality generally, recognising that initial setting out works and drainage could influence the ability to achieve acceptable levels.

- h. Before development involving the construction of any dwelling commences details shall be submitted to and approved in writing by the Local Planning Authority to show the provision of nesting facilities for barn owls to be incorporated within at least one of the dwellings hereby approved. The works shall be carried out in accordance with the approved details and the facilities shall be provided before the dwelling is first occupied and thereafter retained as such.

Reason: In the interests of the preservation of protected species.

- i. A barn owl nesting/roosting box shall be provided on site in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority prior to the commencement of any works on site, including

demolition of any of the buildings. The box shall be erected at least 30 days prior to works commencing, shall not be subjected to disturbance during demolition and construction works and shall remain in place until the facilities to be secured under condition (h) above are first made available.

Reason: The submission of details at an early stage allow the Local Planning Authority to control and mitigate the impact of the development on the protected species (i.e. barn owls).

- j. Immediately prior to the commencement of any demolition on the site a further survey shall be carried out to ascertain whether there are any barn owls nesting within the buildings. If barn owls are found to nesting then no demolition works shall take place until such time as the nesting period has ended and the young have left the nest.

Reason: Barn owls nest all year round and an up-to-date survey would ascertain whether the demolition of the building is appropriate at that time, In the interests of the preservation of protected species.

- k. Before development involving the construction of any dwelling commences details shall be submitted to and approved in writing by the Local Planning Authority to show the provision and location of two House Sparrow terraces within the development and the works shall be carried out in accordance with the approved details. The approved House Sparrow terraces shall be provided prior to first occupation of the development hereby approved.

Reason: In the interests of the preservation of a species of Principal Importance.

- l. Before development involving the construction of any dwelling commences a suitable scheme for the prevention of ground gas ingress shall be submitted to and approved in writing by the Local Planning Authority. Alternatively, the site shall be monitored for the presence of ground gas and a subsequent risk assessment completed in accordance with a scheme to be agreed with the Local Planning Authority, which meets the requirements given in Box 4, section 3,1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'. Upon completion of either, verification of the correct installation of gas prevention measures (if any) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

- m. Before development involving the construction of any dwelling commences details of a scheme for the disposal of surface water shall be submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall include a detailed SuDS and soakaway plan to ensure the River Mease water quality conservation targets can be met. The approved scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: To ensure that the integrity of the River Mease Special Area of Conservation is not compromised.

- n. Before development involving the construction of any dwelling commences the new vehicular and pedestrian accesses shall be formed to Sealwood Lane in accordance with the application drawing 14/CFO/12f and provided with visibility sightlines extending from a point 2 metres from the carriageway edge, measured along the centreline of the access to the extremities of the site frontage abutting the highway in each direction. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason: In the interests of highway safety.

- o. No dwelling shall be occupied until space for vehicles to be parked has been laid out within the site in accordance with drawing 14/CFO/12f.

Reason: In the interests of highway safety.

- p. The car parking spaces to be provided within the site shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015; the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the properties without the grant of a further specific planning permission from the Local Planning Authority in that regard.

Reason: In the interests of highway safety to ensure sufficient parking remains available to serve the development, noting that obstruction to Sealwood Lane might otherwise occur.

- q. The building indicated as being retained on drawing 15/CFO/10h shall not be demolished until such time as the development has been completed and the

replacement barn owl nesting/roosting opportunities have been provided within the dwelling subject to the requirements of condition (h) above.

Reason: To ensure that replacement barn owl nesting/roosting facilities are available at the earliest opportunity, in the interests of the preservation of protected species.

APPENDIX A

