

Delegated Report

Planning Ref: 25/00421/FUL
Applicant: Mr Adam Wykes
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Pretty Oak Farm, Upton Lane, Stoke Golding

Proposal: Demolition of existing outbuildings and construction of a single C3 dwelling

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

2.1. This planning application seeks full planning permission for the demolition of existing outbuildings and the erection of a single dwelling at Pretty Oak Farm, Upton Lane, Stoke Golding.

2.2. This application follows the extant permission 24/00987/P3CQ for the change of use of an agricultural building to for a 4-bedroom dwelling. The agent has confirmed that although the fallback position of implementing the Class Q permission 24/00987/P3CQ remains, this application aims to ensure a better-quality result and to ensure that the development achieves modern technical and environmental standards.

2.2 The proposed dwelling sits on the footprint of the existing outbuilding and the design broadly corresponds with this building in accordance with permission 24/00987/P3CQ.

2.3 The key differences include:

- Change from monopitch roof to dual pitched roof
- Eaves height increase from 4.6m to 5m
- Ridge height increase from 5.5m to 6.2m
- Alterations to glazing design and scale
- Replacement of existing blockwork with metal cladding (anthracite grey)
- Addition of roof lights

3. Description of the Site and the Surrounding Area

3.1. The application site consists of an agricultural building measuring approximately 18m in length and 10m in width, with a mono pitch roof with a minimum height of 4.6m and am maximum height of 5.3m. The site lies to the west of the rural settlement of Stoke Golding, approximately 1km from the village centre.

3.2. Within the site and neighbouring the building are other agricultural buildings and a menage associated with the holding. The site is accessed via Upton Lane

4. Relevant Planning History

- **24/00987/P3CQ** - Change of use of agricultural building to 4 bedroom dwelling (C3) – Permission - 16.12.2024.

- **24/00766/P3CQ** - Change of use of agricultural building to 4 bedroom dwelling (C3) - Withdrawn
- **20/00439/FUL** – Construction of an outdoor equestrian manege – Permission - 02.07.2020
- **16/00371/FUL** – Erection of an agricultural building – Permission – 30.06.2016
- **13/00751/FUL** – Erection of an agricultural building – Permission – 12.11.2013
- **13/00101/FUL** – Erection of an agricultural building – Refused – 11.04.2013

5. Publicity

5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2 No responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer

6.2 The Local Highway Authority referred to standing advice.

6.3 Higham on the Hill Parish Council did not comment on the planning application.

LCC Ecology

6.4 No objection

A Preliminary Ecological Appraisal by Three Shires Ltd completed in July 2024 has been submitted with the application which is accepted and key points outlined below.

- Bats – No evidence of bats was found on the inside of any of the buildings and all buildings were considered to be of negligible potential for roosting bats due to lack of suitable roosting features. No further surveys are required.

- The hedgerow located to the north provides connectivity to the surrounding landscape and could provide good foraging and commuting for bats. It is therefore recommended that a sensitive lighting scheme is incorporated within the development to avoid disturbance to foraging and commuting bats. Please see recommended Conditions.

- Birds – the off-site hedgerow to the north provide suitable habitat for nesting birds and a female house sparrow (*Passer domesticus*) was observed entering a hole between the roof and wall of barn 1. It is recommended that demolition or vegetation trimming is done outside of the bird nesting season which runs from March to August inclusive. If this is not possible then nesting bird check will be required, no later than 24 hours prior to removal.

- GCN – there was no terrestrial habitat to support GCN on site as it consists of hard standing however, the off-site hedgerow base could potentially provide a

commuting corridor. The chances of GCN or other amphibians being present on site is considered negligible and no further surveys are required.

- It is accepted that mandatory BNG does not apply as the application site meets the criteria for de minimis exemption under 25 square meters of habitat will be lost. Habitats on site consists of hard standing.

6.5 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- N/A.

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM14: Replacement Dwellings in the Rural Area
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Housing land supply
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

8.1 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

8.2 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph

11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.

- 8.3 However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.4 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.6 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 8.8 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.

- 8.9 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4, but this does not mean that the development is not sustainable.
- 8.10 Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.11 The application site benefits from planning permission for the provision of a dwelling through the conversion (Class Q) of the existing outbuilding via planning permission 24/00987/P3CQ. The applicant therefore has a “fall-back position” for residential development of a similar quantum on the site.
- 8.12 It has been established in law that a fall-back is an important material consideration in the decision-making process. The “fall-back position” refers to what development could take place if planning permission under an application currently being considered is not granted. Of particular note is the Court of Appeal decision in *Mansell vs Tonbridge & Malling Borough Council* [2017] EWCA Civ 1314. The judgement recognised that Permitted Development rights under Class Q may represent a realistic fall-back position when it comes to developing the site with an alternative form of development. Where a fall-back development is possible decision-makers must be satisfied this is a “real prospect” in order for it to be a material consideration. There is extensive case law regarding “real prospects”, whether a fall-back is realistic is based on the individual merits of the site/development.
- 8.13 In this case there is an extant grant of prior approval for the conversion of the existing building to three dwellings. When asked to confirm that the Class Q remains a realistic fall-back position the agent confirmed that the Class Q consent remains legitimate. They have advised that the revised scheme is more environmentally and energy efficient which is a material benefit for the development. It is considered realistic that should the current application be refused, the site would be developed through the conversion of the existing buildings to a dwelling, thus the fall-back position is considered realistic. This is considered to be a significant material consideration within the planning balance.
- 8.14 Given the above, the principle of a new build dwelling in this location is contrary to Policy DM4 of the SADMP and the spatial strategy which seeks to direct development towards the most appropriate and sustainable locations where there are a range of services and good public transport links and to protect the intrinsic character of the countryside. However, the fall-back position is considered to be a material consideration which outweighs conflict with policy DM4. Should the current application be refused there is a realistic prospect that the conversion of the building would occur, and a dwelling would be created in this location. The sustainability impacts would be identical. Matters of design and the impact on the countryside are assessed below.

Housing Land Supply

- 8.15 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 8.16 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.17 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are currently unable to demonstrate a 5-year supply of deliverable housing.
- 8.18 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.19 Paragraph 11 (d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.20 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim is to meet as much of the area's identified housing need as possible with an appropriate mix of housing types for the local community.
- 8.21 Paragraph 73 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area. In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities.
- 8.22 The development is for one singular residential property within a rural area, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.23 Whilst the Council is unable to deliver a five-year supply of land for housing, given the provision of one dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, it is considered that limited weight should be given to the provision of the proposed dwelling.

Design and Impact upon the Character of the Area

- 8.24 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.25 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

- 8.26 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.27 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.28 The current scheme is almost identical in size, scale, mass, footprint, and design to the approved development and the existing agricultural building. The main differences include changes to the roof height and design, alterations to the fenestration design, sizes and locations, and minor changes to the external material treatment to include grey metal cladding on the entirety of the building. These revisions are considered minor when compared to the extant permission, and the building would be proportionate to the size, scale, mass and footprint of the existing building. Therefore, the development is considered to be compliant with Policy DM4 of the SADMP. The retained agrarian character similar to the existing agricultural building will respect the intrinsic character of the countryside and that of the immediate area.
- 8.29 In summary, given the above, the proposal respects the character of the existing dwelling and surrounding area and is in accordance with Policies DM4 and DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.30 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.31 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.32 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.33 Whilst the proposed design changes the location and sizes of several windows on the proposed dwelling, the Local Planning Authority has already established the development would not result in any harm to neighbouring residential amenity as there are no other dwellings in the vicinity. Additionally, the residential amenity of the future occupants of the scheme is not compromised.

- 8.34 By virtue of these factors, the scheme is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.35 Section 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.36 Ultimately, development should not be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in accordance with Paragraph 116 of the NPPF.
- 8.37 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)). Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.38 Paragraph 3.151 (Quantum) of Part 3 of the LHDG requires three off-street vehicle parking spaces for four-bedroom dwellings. Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.39 The development proposes no alterations to the existing access on to Upton Lane. It is noted that the Local Highway Authority previously confirmed within planning application 24/00987/P3CQ that the existing access was suitable for this development.
- 8.40 Moreover, the Proposed Site Layout demonstrates that there is sufficient parking and turning facilities for three vehicles in accordance with Paragraphs 3.151 and 3.165 of Part of the LHDG.
- 8.41 Given the above, and in light of the approved planning permission 24/00987/P3CQ, the proposal is acceptable in terms of highway safety and its impact on the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Impact on ecology and biodiversity

- 8.42 Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features

should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.

- 8.43 LCC Ecology have been consulted and confirm that the proposed development would meet the criteria for de minimis exemption as under 25sqm of habitat will be lost. A condition has been added to control the use of external lighting, with informatives added regarding nesting birds.
- 8.44 In summary, it is considered that the proposal complies with Policy DM6 of the SADMP.

Planning balance

- 8.45 The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. It is necessary therefore to consider that the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.46 Whilst the principle of a new build dwelling in this location is contrary to Policy DM4 of the SADMP, the fall-back position is considered to be a material consideration which outweighs conflict with policy DM4.
- 8.47 The sustainability impacts of this proposal versus the Class Q permission would be identical. Whilst the building would have some differences to the existing agricultural building, it would remain proportionate to the size, scale, mass and footprint of the existing building, retaining its agrarian character similar to the existing agricultural building, and respecting the intrinsic character of the countryside and that of the immediate area.
- 8.48 There would be no material impact on highway safety, neighbouring amenity, or ecology and biodiversity. Therefore, in summary the sustainability harm of the development is outweighed by the fall-back position, the benefits of the development are limited and are through the provision of one dwelling and its associated social/economic benefits through construction and occupation, but these clearly outweigh the harm identified related to the conflict with Policy DM4 of the SADMP.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2 Conditions and Reasons

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Proposed Elevations, Drg No. 9076_03_03 Rev P3 (submitted: 24.04.2025).
- Proposed Ground and First Floor Plans, Drg No. 9076_03_02 Rev PL3 (submitted: 24.04.2025).
- Proposed Site Plan, Drg No. 9076_03_01 Rev P3 (submitted: 12.06.2025).
- Site Location Plan, Drg No. 9076_01_01 Rev P2 (submitted: 24.04.2025).

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials on the external elevations of the proposed building shall accord with the approved plan:

- Proposed Elevations, Drg No. 9076_03_03 Rev P3 (submitted: 24.04.2025).

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No external lighting shall be installed on the site until details (including luminance levels and measures to minimise light spillage) have been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without the prior permission in writing of the Local Planning Authority.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development shall not be occupied until the waste and recycling collection points have been implemented in accordance with Proposed Site Plan, Drg No. 9076_03_01 Rev P3 (submitted: 12.06.2025).

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and to ensure there is adequate space at the highway boundary for waste collection.

a. **Notes to Applicant:**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
3. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
4. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018). It would be advisable to include an area near the roadside for the safe placement of

the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.

5. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
6. The property may be suitable for roosting bats, which are protected by law from harm. It is the applicant's responsibility to ensure that bat legislation is not breached, and therefore may need to consult with a licenced bat ecologist prior to commencement to ensure that bats will not be impacted by the works. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.