PEDW Appeal: CAS-04270-K6C4W6

Caerphilly County Borough Council Reference: ENF/23/0055

Statement of Common Ground – Planning Conditions

Following the appeal hearing for appeal CAS-04270-K6C4W6 that took place on the 14th July 2026, the inspector requested that the Local Planning Authority provide a schedule of conditions, in the event the inspector is minded to grant planning permission for the development. It should be noted that the conditions are in a draft form, however the intent behind the conditions should be clear to understand.

The Local Planning Authority would also like to reiterate the need for a Section 106 agreement to tie the dwelling to the land, which as discussed at the hearing, was confirmed not to be possible through the appeal procedure.

Table of Conditions

Condition	LPA Comments	Appellant Agreement (Y/N)	Rebuttal of Appellant Comments
The development shall be carried out in accordance with the following approved plans and documents: Dwg No. Location Plan received 30.05.2025; Dwg No. Block Plan received 30.04.2025; Dwg No. Cross Section received 30.04.2025; Dwg No. Cross Section of Land After Levelling received 30.04.2025;	Plans and documents listed are those that were submitted under planning application 25/0263/RET.	N	**Legislation requires the imposition of an approved plans condition and this should include all documents that have been submitted to support the application. It is also considered that the Ecological Footprint Improvement Plan provides a useful starting point for the Ecological Footprint of the development together with suggested measures for**

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Dwg No. Front Elevation received 30.04.2025; Dwg No. Internal Layout received 30.04.2025; Dwg No. Left Side View received 30.04.2025; Dwg No. Left Side View received 30.04.2025; Dwg No. Right Side View received 30.04.2025; Document Named: One Planet Development Management Plan received 15.05.2025; Document Named: Ecological Appraisal received 30.04.2025; Document Named: Tree Constraints Plan received 15.05.2025; Document Named: Ecological Footprint Improvement Plan received 15.05.2025; Document Named: Solar Panel Data received 15.05.2025; Document Named: Tree Survey/Categorisation Report and Retrospective Arboricultural Impact Assessment received 15.05.2025; and Document Named: Green Infrastructure Statement received 30.04.2025. REASON: To ensure that the			**improving it. In that regard, it is considered that it should remain in he list f approved documents.** ***The Appellant has never disputed that the plans and drawings listed are those submitted under application 25/0263/RET and require to be conditioned; the point at issue is limited to the Ecological Footprint Improvement Plan. A document being 'a useful starting point' is not, of itself, a basis for making it an approved document enforceable by condition: conditions (and documents relied on through them) must be necessary and precise, and this document is discursive commentary rather than a scheme or calculation capable of being carried out. It also dates the Practice Guidance to 2019, when the correct date is October 2012, and omits the 2.4 gha initial ceiling set by TAN6 paragraph 4.15.1. The Ecological Footprint itself is properly captured in the EFA calculator***

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development is carried out only as approved by the Local Planning Authority.			***submitted as Appendix 5 to the Management Plan and reviewed at Condition 3(a); the Ecological Footprint Improvement Plan adds nothing to that and should not be included.***
The residential use hereby permitted shall be discontinued, the main dwellinghouse and ancillary dwelling and other structures hereby permitted removed from the land and the land restored to its former condition, within 12 months of the date of this consent if the phasing strategy as set out in the One Planet Development Management Plan dated 15.05.2025, is not implemented in accordance with the timetable set out in that plan. REASON: To retain effective control over the development to comply with policies in Technical Advice Note 6 - Planning for Sustainable Rural Communities.	It is imperative that the development is carried out in accordance with the phasing strategy to ensure that the development becomes a one planet development as soon as possible in order to comply with the national planning guidance.		***Whilst it is acknowledged that revisions to the Management Plan may be required over time, it does include a phasing strategy which should be implemented in the first instance in order to ensure that the development makes steps towards becoming self sustaining as soon as practicably possible. As such, it is considered that the development should be carried out in accordance with the Management Plan in the first instance. However, an amendment to the condition requiring the submission of revisions is considered reasonable. Failure to do so must have consequences in order to ensure that compliance is achieved. In that regard, and given that the development is***

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			only considered acceptable if it is OPD, it is considered that a failure to comply should result in the consent falling away. This places the onus on the appellant to make every effort to ensure that the development conforms to the OPD ethos as set out in TAN 6. A 12 month period is commonly accepted as being reasonable in such circumstances ***This conflates two different things: the phasing programme, which the Guidance does not make a compulsory element of the Management Plan, and the Management Plan as a whole. If the phasing strategy were separately conditioned in this way, the development could be found to be failing before the five-year point at which the Management Plan and the essential criteria are actually expected to be achieved under the Guidance - a result the policy and the Management Plan do not provide for, and it is not***

			appropriate to condition something beyond the reach of the policy and the Guidance. The Guidance already has its own clear measures for dealing with partial and full failure of an OPD (paragraphs 5.9–5.11); it is not reasonable for the LPA to add to or vary these with a separate, earlier consent-falls-away trigger tied to the phasing programme.
No later than 1st April each year, commencing 1st April 2028, a written Monitoring Report shall be submitted to the Local Planning Authority giving details of the activities carried out during the previous twelve months in compliance with the Monitoring Strategy listed in the One Planet Development Management Plan dated 15.05.2025. In particular, the Monitoring Report shall include details of the following: a) An appraisal of the project's progress in relation to the Management Plan and towards 1.88 gha ecological footprint. b) An assessment of the proportion of basic household food needs being met	It is imperative that the development is adequately monitored to ensure that it remains a one planet development as soon as possible in order to comply with the national planning guidance.		Largely happy with the amended condition. However, it should include a requirement to achieve 1.88gha over time beyond the 5 year period. Again a provision for the consent to fall away in the event of failure to comply should be included. ***The Appellant welcomes the LPA's confirmation that the amended condition is acceptable, and invites the LPA to confirm this in unambiguous terms. On the two further points: 1.88 gha is referenced in the Guidance (TAN6 paragraph 4.15.1; Guidance paragraph 1.9) as a longer-term aspiration - a***

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directly from land based activities on the site to secure at least 65%. c) An appraisal of vehicle trips generated by the project. d) A record of social and/or educational events provided. e) A zero carbon analysis of the project and its activities to demonstrate that it is zero carbon in use. Within 12 months of the failure to submit a Monitoring Report the residential use hereby permitted shall be discontinued, the main dwellinghouse and ancillary dwelling and other structures hereby permitted removed from the land and the land restored to its former condition. REASON: To retain effective control over the development to comply with policies in Technical Advice Note 6 - Planning for Sustainable Rural Communities.			***'clear potential to move towards' that figure 'over time' - rather than a threshold verified at a specified date, in the way 2.4 gha is tested through the Year 3 and Year 5 EFAs; converting it into a fixed, monitorable requirement goes beyond what the Guidance itself sets up. As above, the Guidance's own mechanism for dealing with failure to progress (paragraphs 5.9–5.11) should not be varied or added to by a bespoke consequence tied to this aspiration.***
Should the Monitoring Report identified in (relevant condition number) above show that the aims and objectives of the Management Plan are not being met, a supplementary report setting out corrective or mitigating measures shall be submitted to the Local Planning Authority no later than			

1st July of that year. Those measures shall be implemented in accordance with the supplementary report. Within 12 months of the failure to submit that supplementary report the residential use hereby permitted shall be discontinued, the main dwelling house and ancillary dwelling and other structures hereby permitted removed from the land and the land restored to its former condition. REASON: To retain effective control over the development to comply with policies in Technical Advice Note 6 - Planning for Sustainable Rural Communities.			
Should the corrective or mitigating measures referred to in (relevant condition number) above fail to meet the aims and objectives of the One Planet Development Management Plan dated 15.05.2025 within 3 years from the date of the corrective or mitigating measures being agreed, within the 12 months immediately after that 3 year period the residential use hereby permitted shall be discontinued, the main dwellinghouse and ancillary dwelling and other structures hereby permitted removed from the land and	It is imperative that the development is adequately monitored to ensure that it remains a one planet development as soon as possible in order to comply with the national planning guidance.		

the land restored to its former condition. REASON: To retain effective control over the development to comply with policies in Technical Advice Note 6 - Planning for Sustainable Rural Communities.			
Notwithstanding the submitted Block Plan dated 30.04.2025, revised details of the proposed siting, design and external finishes of the ancillary buildings namely the chicken shed, garden shed, log store, implement shed and access tracks shall be submitted to and agreed in writing with the Local Planning Authority within 1 month from the date of this permission. The amendments shall be implemented in full within 3 months from the date of agreement being reached. REASON: In the interests of the visual amenity of the area in accordance with policy CW4 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.	Application 25/0263/RET lacked specific plans of the ancillary buildings. Specifics of these structures are required to ensure the visual impact is acceptable.		Largely happy with the amended condition 5. However the trigger requires the submission and approval of these details within a 2 month period (it is acknowledged that the Council's own draft condition included a similar requirement). It is felt that it would be unrealistic to expect the developer to formulate and submit the details and then for the Council to approve them within such a tight timescale. As such the following further amended condition is suggested:- *Within 2 months of the date of this permission, revised details of the siting, design and external finishes of the ancillary buildings - namely the chicken shed, garden shed, log store, implement shed and access tracks - shall be submitted for the*

			written approval of the Local Planning Authority. Where a structure is designed to be lightweight and moveable as part of the approved Management Plan's land management strategy, the approved details need only identify its typical siting and appearance and the general area within which it may be relocated from time to time, rather than a single fixed position. The approved details shall be implemented in full within 6 months of the date of approval. ***REASON:** In the interests of the visual amenity of the area, in accordance with policies CW4 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.* ***Agreed.***
Within 1 calendar month of the date of this permission, the area indicated for the parking of vehicles shall have been laid out in accordance with Dwg No. Block Plan received 30.04.2025 and that area shall not thereafter be used			No particular issue with changing the trigger to 2 months. ***Agreed.***

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for any purpose other than the parking of vehicles. REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.			
Within 1 calendar month of the date of this permission, the proposed means of access shall be laid out, constructed and maintained thereafter with vision splays of 2.4m x 25m. No obstruction or planting when mature exceeding 0.9m in height above the adjacent private drive shall be placed or allowed to grow in the required vision splay areas. REASON: In the interest of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021.			The Appellants suggested wording requires the submission of details for approval whereas the Council's version does not. It is considered that the Council's wording is sufficiently precise and does not require the submission of details. Nevertheless, again this condition requires submission and approval within 2 months. The following revised wording is suggested:- *Within 2 months of the date of this permission, details of the proposed means of access, including visibility splays of 2.4m x 25m, shall be submitted for the written approval of the Local Planning Authority. The approved access shall be constructed within 6 months of the date of approval and maintained thereafter. No obstruction, or planting which*

			when mature would exceed 0.9m in height above the adjacent private drive, shall be placed or permitted to grow within the visibility splays. ***REASON:*** *In the interests of highway safety, in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.* ***Agreed***
The residential use hereby permitted shall be discontinued and ancillary dwelling and other structures hereby permitted removed from the land and the land restored to its former condition, within 12 months of the date of this consent if right of access along the private access road leading from Pandy Lane to the application site are not demonstrated within 1 calendar month of the date of this consent. REASON: In the interest of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021.	The application did not demonstrate right of access over the private lane leading from Pandy Lane to the application site. This formed a reason for refusal and should be addressed.		***In that the appellant has submitted evidence in this regard, this condition may not be necessary. In the event that the Inspector considers that it is necessary and given that the appellant has provided the required information it is difficult to see how 1 month is not sufficient to allow them to submit the details.*** ***Given the Land Registry title and official copy evidence already provided, the Appellant agrees this condition may not be necessary, and invites the LPA to confirm it is content to proceed***

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			on that basis. If the LPA or Inspector consider the condition should nonetheless be retained, a 1-month period is agreed as sufficient, since the evidence has already been submitted.
Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, or any order amending or re enacting that order with or without modification, no development within Parts 1, 2, 5, 6, 7 and 40 of Schedule 2 of that Order (or any Order revoking or re-enacting that Order) shall be carried out without specific planning permission being obtained. REASON: To retain effective control over the development in the interests of the landscape character of the area in accordance with Policy CW4 of the Caerphilly County Borough Local Development Plan up to 2021.	To ensure effective control over the site.		***The appellant's version of the condition appears to be exactly the same as the Council's.*** ***Agreed, on the basis that the Part 5 restriction does not affect the caravan already sited and in residential use. That caravan is the dwelling itself, authorised directly by this permission and identified in the approved plans and Management Plan, rather than sited in reliance on any Part 5 permitted development right. The Appellant asks that this be recorded expressly in the condition, so the general restriction is not read as calling the existing caravan into question. If the LPA does not agree wording to this effect, the Appellant asks that the Inspector address the point in the decision.***

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A scheme of landscaping and a programme for the provision of the landscaping shall be submitted to the Local Planning Authority for agreement within 1 month of the date of this permission. The agreed scheme of landscaping shall be implemented in accordance with the agreed programme. Any trees or plants which within a period of 5 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, unless the Local Planning Authority gives written consent to any variation. REASON: In order to ensure that the site is landscaped and is maintained in the interests of the landscape character of the area in accordance with Policy CW4 of the Caerphilly County Borough Local Development Plan up to 2021.	This is required in order to attempt to mitigate the landscape impacts of the development as set out in the Landscape Architect's comments. As stated at the appeal hearing, it is also necessary to consider whether any landscaping or land management is appropriate for the landscape character of the area given its SLA allocation.		Again the appellant's suggested wording requires submission and approval within 2 months. Whilst there is no strong objection to increasing the trigger period to 2 months the Council's overall wording appears to meet the 6 tests. ***Agreed on the substance of the condition; the Appellant considers 1 month too short for a scheme of this kind and asks the LPA to confirm that the 2-month period is acceptable.***
Within 1 calendar month of the date of this consent, a scheme for the protection of the existing trees and hedgerows including their root protection areas on the site shall be submitted for approval by the Local	The development is in close proximity to trees, with final locations of ancillary buildings to be approved.		It is difficult to see what argument the appellant is making here. The Council's conditions s not drafted as a pre commencement condition and appears to comply with the 6 tests. The only change appears to

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Planning Authority. The scheme must include a plan clearly showing the location and specification of the protective fencing to be used. The approved protective fencing must be installed prior to the commencement of any further works at the site and thereafter retained intact for the full duration of the construction works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority. REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.			be the 2 moth trigger period, which the Council has no particular concerns about. ***Agreed, on the basis of the 2-month submission period.***
Within 1 calendar month of the date of this consent, a Biodiversity Strategy and programme for the implementation of the strategy shall be submitted for approval in writing by the Local Planning Authority. The agreed Biodiversity Strategy shall be implemented in accordance with the agreed programme. The strategy shall include:	To ensure the biodiversity benefits detailed in the Ecological Appraisal are realised.		Again the appellant's suggested condition requires submission and approval within 2 months. If the Inspector is so minded to allow a longer period, it is suggested that the Council's wording be amended to allow for 2 months for the submission of the details. ***Agreed. The Appellant notes the LPA raises no concerns with the***

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(a) Enhancement tree planting on the west of the site; to include numbers of trees, species, area to be planted, source for material and aftercare details. (b) Area for rewilding with an additional hedge/tree line separating the north of the field from the actively managed area. (c) Details of the planters with nectar-rich plants to be fitted to the roof of the existing building – location, number, size and species, including aftercare and management details. (d) Location and design of the 2(no) additional new ponds, including details of the planting, should it be required and details of aftercare and management of the ponds. (e) The areas to be overseeded with a wildflower mix, including identification of the areas, and the species mix. REASON: To secure mitigation, compensation and enhancement measures for biodiversity on site, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016,			***2-month and 6-month periods and takes this condition as resolved.***

Planning Policy Wales (February 2024) and Tan 5 Nature Conservation and Planning (2009).			
Within 1 month of the date of this consent a Water Safety Management Plan shall be submitted for the written approval of the Local Planning Authority. Within 3 months of the date of the approval of such details a report verifying that the development has been carried out in accordance with those details shall be submitted for the approval of the Local Planning Authority. REASON: In the interest of public health in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.	This is essential in order to ensure that an acceptable potable water supply can be provided. It should be noted that the water needed for the site should be obtained from the site and this should form part of the plan.		As above in respect of trigger. The Council raises no concerns with it's wording being amended to allow a 2 month and 6 month period for compliance. ***Agreed.***
Within 1 calendar month of the date if this consent, revised details of a scheme for foul drainage and programme for its installation shall be submitted for approval by the Local Planning Authority. Following approval, the foul drainage scheme shall be implemented in accordance with the programme of installation. The residential use hereby permitted shall cease and dwelling and structures associated shall be removed within 6	The current foul drainage arrangement was not considered acceptable under application 25/0263/RET. Revised details of this are required to ensure the arrangement is fit for purpose.		*Comments noted. Amended wording below to reflect trigger point issue:-* *Within 2 months of the date of this permission, revised details of a scheme for foul and grey water drainage, and a programme for its installation, shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be implemented in*

months of the date of failure to meet the programme of installation. REASON: To ensure the development is served by an appropriate means of foul drainage in accordance with Policy CW21 of the adopted Caerphilly Local Development Plan.			*accordance with the approved programme.* ***REASON:*** *To ensure the development is served by an appropriate means of foul and grey water drainage, in accordance with Policy CW21 of the adopted Caerphilly County Borough Local Development Plan up to 2021.* ***Agreed.***

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Version	Comments	Date
1	LPA first draft submitted to appellants and PEDW	16/07/2026
2	LPA Rebuttal draft submitted to Appellant and PEDW	24/07/2026
3	Appellant rebuttal 2 submitted to LPA and PEDW Appellant comments in ***bold italic***	26/7/2026