

Appeal Decisions

Hearing held on 25 October 2016

Site visit made on 25 October 2016

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 March 2017

Appeal A - Ref: APP/L2630/W/16/3155500

Hope Valley, Low Common Road, Forncett St. Peter, Norwich, NR16 1LP.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Price against the decision of South Norfolk District Council.
 - The application Ref. 2016/1114, dated 9 May 2016, was refused by notice dated 8 July 2016.
 - The development proposed is the change of use of land to a mixed use of a single gypsy and traveller residential pitch and paddocks for the breeding and keeping of horses, together with widening of the existing access into Overwood Lane, and closure of existing access into Overwood Lane and into Low Common Road.
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Appeal B - Ref: APP/L2630/C/15/3140507

Hope Valley, Low Common Road, Great Moulton, Norwich, NR16 1LP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr A Price against an enforcement notice issued by South Norfolk District Council.
 - The enforcement notice, numbered 2015/8139, was issued on the 19 November 2015.
 - The breach of planning control as alleged in the notice is the material change of use of the land from agricultural land to land used for residential purposes and for the standing of residential caravans for domestic habitation and domestic items.
 - The requirements of the notice are to (a) cease the residential use of the land; (b) remove all residential caravans, residential mobile homes and all structures, materials and equipment used with the residential use of the land.
 - The period for compliance with the requirements is 12 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 13 January 2017

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for a limited period for the change of use of land to a mixed use comprising a single gypsy and traveller residential pitch and for the breeding and keeping of horses, together with widening of the existing access into Overwood Lane,
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and closure of existing access into Overwood Lane and into Low Common Road, at Hope Valley, Low Common Road, Forncett St. Peter, Norwich, NR16 1LP, in accordance with the terms of the application, Ref. 2016/1114, dated 9 May 2016, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Appeal B

2. The enforcement notice is corrected by the deletion of the words specified in section 3 following "To" as the breach and the substitution thereof the words "the mixed use for residential purposes and for the standing of residential caravans for domestic habitation and domestic items, and for the breeding and keeping of horses".
3. Subject to this correction the appeal is dismissed and the enforcement notice is upheld.

Application for costs

4. At the Hearing an application for costs was made by Mr Price against the Council. This application is the subject of a separate Decision.

Preliminary matters

5. In Appeal A the description of the proposal was revised in consultation with the Council in respect of the amended scheme to close two of the access points and I will use this revised description.
6. The use alleged in appeal B does not refer to the breeding and keeping of horses on the land defined in the notice and as referred to in Appeal A. It was agreed in the Hearing that the use should be described as a "material change of use from agriculture to the mixed use for residential purposes and for the standing of residential caravans for domestic habitation and domestic items, and for the breeding and keeping of horses" and I can correct the notice accordingly without prejudice to any party.
7. At the start of the Hearing Mr Jones, acting for 59 local residents, said that to continue with the appeal would be unlawful as the proposal in the planning application in Appeal A had not been subject to an Environmental Impact Assessment as required by Regulations¹. The Council advised that such an Assessment was not required for the type or scale of development proposed but that it had not issued a Screening Opinion. The requirement for such Assessment is also considered by the Planning Inspectorate on behalf of the Secretary of State at appeal. The Secretary of State issued a Screening Direction on the 17 November 2016 that this development is not Environmental Impact Assessment (EIA) development.

Appeal A - Main Issues

8. The main issues are:
 - Whether the development accords with the development plan;
 - The accord with locational criteria set out in national guidance;
 - The effect on the character of the local landscape;

¹ The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

- The effect on highway safety;
- Whether the site is at risk of flooding;
- The effect on a habitat of protected species;
- Whether the Council can demonstrate a five years supply of new gypsy sites and the availability of alternative sites;
- The appellant's and his family's personal circumstances.

Reasons

Background

9. The appeal site comprises an open field of about 1.3ha in extent bounded by the highways of Overwood Lane to the east and Low Common Road (also known locally as Bunwell Road) to the south and there are established field hedges along most of these boundaries. The northern and western boundaries of the site are also enclosed by field hedges. There are two ponds in the area owned by the appellant to the south of the site leading to the junction of the two roads and this area is low lying close to the River Tas.
10. The surrounding landscape is mainly countryside with scattered farmsteads and individual houses. The land is generally flat with the shallow valley of the River Tas being the main topographic feature. The Council's Place Making Guide refers to the area as being of a "sparsely settled character with buildings of a rural vernacular appearance clustered at fording points or linear development at the upper and lower areas of the valley." The site and the surrounding land is not subject to any special landscape or other designation.
11. The proposal is for a single pitch private gypsy site with an enclosed area proposed for two mobile homes and two touring caravans together with a day room. At my site visit I noted the presence of two mobile homes and a single traditional touring caravan located on the grass field. Part of the field was loosely fenced off and two ponies were grazing there. There were also some minor sheds and enclosures for pets and small livestock.

Policy context

12. The development plan for the area includes the Council's Joint Core Strategy (JCS) adopted in 2011 and with amendments made in 2014; and the South Norfolk Local Plan - Development Management Policies (DM) adopted in 2015. At the Hearing the Council explained that it is also preparing a Gypsies and Travellers Local Plan and following the formal plan making process and consultation this is scheduled in the Local Development Scheme for adoption in late 2018. Given this very early evidence gathering stage in the plan's preparation I am not able to give it any weight at the moment.

Gypsy status

13. Mr Price explained that he and his partner are Romany Gypsies and he travels for work. The Council accepts that Mr Price is a gypsy; however, local residents query the extent to which Mr Price travels away from the site

and therefore whether he and his family have a nomadic lifestyle. Mr Price said that for a living he breeds horses, paints traditional wagons and does landscape gardening. He said he is often away 7 days a week and in total is away for 3-4 months a year including a month in the winter. To trade in horses he visits the traditional gypsy fairs and more regional shows and fills-in with landscaping work which is more local but even then he stays away overnight. When away he tends to sleep in the horse box. Lucy Price explained the problems she and her family had experienced whilst living on the road.

14. Some local residents expressed difficulty in seeing a difference between this travelling and their own settled lifestyles where they were often away from home a lot, with one example being given as a commercial traveller. Nevertheless, on the basis of the written and oral evidence provided, which I have no reason to doubt, I am satisfied that even though the appellant wishes to put down a settled base on the appeal site, he has a mainly nomadic habit of life which accords with the definition of gypsies and travelling people set out in Planning Policy for Gypsies and Travellers (2015) (PPTS).

Accord with the Development plan and locational criteria

15. At the moment the development plan does not make provision for the allocation of land for gypsy and traveller related development. The Gypsy and Traveller development plan document was originally intended to be adopted in 2017 but this has now been put back to 2018. Given that the planning system is plan-led, and the guidance in the PPTS indicates in paragraph 10 that Councils should be able to demonstrate a five year supply of deliverable new traveller sites set against a locally set target, this lack of positive site allocation amounts to a significant failure of policy.
16. In general planning terms, the Joint Core Strategy puts forward a settlement hierarchy which identifies main towns, key service centres, service villages, other villages, and smaller rural communities and the countryside. The JCS and the DM put forward policies which apply to the various settlements, depending on their scale and the facilities and services that exist, to contribute to the sustainable development of the county. Within this framework, Policy DM 1.3 stresses that development in the countryside outside of defined settlement boundaries will only be accepted if it accords with other policies or demonstrates other benefits in terms of social, economic or environmental dimensions.
17. In the local Plan, the policy in respect of gypsy related development is DM3.3. This sets out criteria for new gypsy and traveller development to be considered acceptable. Part (2) of the policy says that where the Council does not have a five year supply of deliverable new sites set against a local target (as in this case, see paragraphs 31 below) the criteria should be considered on a flexible basis. In the assessment of the other main issues that follow I will also have regard to the associated criteria in this policy.
18. The appeal site lies in the countryside and outside the boundary of any settlement the nearest of which are Forncett St Peter, an 'other village', and Aslacton, a 'service village'. As such there is a presumption in the development plan policies JCS Policy 17 and DM1.3 against the development of the site.

19. However, it appeared to me at the site visit that part of the character of the local area is scattered houses and hamlets and I saw a number of these in the vicinity of the appeal site. The local area is served by mainly minor roads but the appeal site also lies close to a bus route which has a reasonably frequent daily service to shops and facilities in Long Stratton. I was also advised that there is a pick-up service for school children to get to school and the appellant and/or his partner said that they often walked the children to school. On the basis of the availability of public transport and the relatively short walking distance to some basic facilities and services, I am satisfied that the location of the site is reasonably accessible and sustainable. The degree of other scattered houses locally and the access to schools and daily facilities also means that the site is not 'so isolated' from a settlement so as to conflict with the locational criteria established in policy DM3.3 (f) which in any event should be considered flexibly.
20. Therefore although the principle of the development does not accord with some the development plan policies mentioned above, I find that the location of the site whilst in the countryside is not 'away from' settlements and it is in a reasonably accessible location and so there is no clear conflict of the development proposed with the locational criteria set out in the PPTS or the National Planning Policy Framework (NPPF).

The effect on highway safety and the movement of traffic

21. The Highway Authority's concerns relate to the visibility at the access points into the site and the degree of traffic generation that would stem from the development and go onto the local road system which is recognised to be of minor roads. I considered this network at the site visit and drove on the local roads near the site and visited on foot the junction of the U76102 Overwood Lane and the C344 Aslacton Road/Muir Lane.
22. The proposal involves the closure of two access points and that appeared to me to be a modest highway benefit. The present (reinstated) access is proposed to be widened. At the site visit, I assessed the Highway Authority's recommended visibility standard of 43m x 2.4m splay in both directions. While there is an established road side hedge on both sides of the access, I am satisfied that this visibility can be achieved with some very limited trimming of the hedge and compliance with the standard would not involve substantial removal of the hedge as some representations from some local people allege. I am therefore satisfied that access directly to/from the site can be achieved in an acceptable manner and this visibility can be required to be maintained by condition.
23. In terms of traffic generation, the main parties agree that the domestic use of the site for a single family would give rise to about 6 vehicle movements per day. There would also be traffic generated by the horse breeding use but this would depend on the number of horses kept on site and the season. Mr Price agreed that at one stage he had 17 ponies on the site but that was at a time when he had to move the ponies off other land and it was an unusually busy period. Some local people said that established animal welfare guidelines suggested that between 1-1.5 acres of grazing land per horse are needed which would equate to about 2-3 horses in total being reasonably accommodated on the site, but numbers could be higher if extra feed was brought onto the land.

24. Even recognising a modest additional level of traffic generation arising from the proposal, the evidence before me does not indicate that the effect of this additional would be materially harmful to highway capacity or safety. I recognise that the site is served off a minor road of single carriageway width, and the right turn manoeuvre off the U76102 has restricted visibility, but my travel around the local area suggested that in such an area of countryside such restricted highway conditions did not appear to be unusual. Bearing in mind the proposed closure of two existing access points, on balance, I do not consider that the appeal proposal would result in a significant additional risk to highway safety or be contrary to the provisions of Policy DM3.11 or Policy DM3.3.

The impact on the landscape

25. The Council submits that the proposed gypsy site use and its facilities would be prominent on an elevated part of the site and would be harmful to the countryside landscape of the River Tas valley. I considered this visual and physical impact at my site visit. Although there are views into the site from Low Common Road, and from where the original siting of the caravans would be seen, the proposal is to site the mobile homes and touring caravans and day room in a central eastern portion of the site. At least one of the mobile homes proposed and the parking area for the site would be seen through the widened access into Overwood Lane.
26. The appellant's agent says that the existing trees and hedge along Overwood Lane would otherwise screen the structure and caravans. I agree that the hedges around the site provide good screening at the moment but it appeared to me that much of the vegetation is deciduous and that the effectiveness of the screening would be reduced in the winter months. The proposal is for two mobile homes, two touring caravans and a day room to be screened by the erection of a 2m high wooden fence but while this may contain some of the presence of the domestic use, there would remain a moderate degree of physical intrusion into the countryside.
27. Overall, I conclude on this issue that the proposed single gypsy pitch would not be well integrated into the landscape, contrary to part (d) of policy DM3.3, and have a moderately harmful visual and physical impact in the countryside landscape of the River Tas, although this landscape is not recognised as being of special importance on a national basis. However, the tests set out in this policy and policy DM 4.5 refer to development having a significant adverse effect on the landscape as being unacceptable, whereas in this case I find that the landscape harm would not be significant, only moderate, because of the present and proposed level of screening.

Effect on habitats of protected species

28. Prior to the Hearing the Appellant's ecologist provided further evidence of the ecological issue which relates to the presence of great crested newts (GCN) in the vicinity of the site. The main parties' experts agree that GCN have used a number of local ponds for breeding in recent times. Further the parties agree that it is necessary to ensure the viability of the local GCN population by protecting and maintaining both the ponds (on the land to the south of the application site) and 'suitable terrestrial habitat for commuting'. The ecologists agree that a buffer zone to enable the commuting to continue as part of the proposed development is achievable

through a 'biodiversity action plan' the submission and implementation of which can be conditioned. On this basis the Council withdrew the ecology reason for refusal.

29. At my site visit I noted the presence of the ponds on the low lying area of land between the southern part of the site and Low Common Road. Given the expert opinion before me that the future well-being of the GCN and their habitat can be protected through a biodiversity action plan, I am satisfied that these protected species would be unlikely to be endangered by the development proposed and that the proposal does not conflict with Policy DM4.4.

Whether the site is at risk of flooding

30. The low lying land to the south of the appeal site is shown on the Flood Map produced by the Environment Agency as lying within Flood Zone 2 and therefore it is at risk of fluvial flooding from the River Tas. The area lies outside of the appeal site but it is evident that the southern access to the land, (which is proposed to be closed), would be subject to flooding from time to time. The area proposed for the siting of the caravans and day room and the remaining access to the site is not subject to flood risk and the proposal does not conflict with the related guidance in the NPPF or the national Planning Practice Guidance (PPG).

Need and Supply of gypsy and traveller sites and alternative accommodation

31. The Council accepts that there is an unmet need for gypsy site accommodation in the area. The South Norfolk Gypsy and Traveller Accommodation Assessment 2014 concluded that an additional 35 pitches for gypsies and traveller would be needed in the period 2014 to 2031. In the first five years of this assessment (2014-2019) the target is 8 new pitches whereas the Council says that only 4 permanent pitches have been approved and therefore there is a clear shortfall in available pitches. Neither were the Council able to suggest any other formal sites that the appellant could use as an alternative to the appeal proposal.
32. In terms of the appellant, Mr Price said he was not aware of any alternative formal pitches. He has been looking around locally for a lawful site for some years but with no success. He confirmed that if his appeal was unsuccessful and the enforcement notice the subject of Appeal B was upheld, he would be forced to leave the site, and with no other accommodation to go to, he and his family would have to live on the roadside.
33. Mr Jones, on behalf of local residents, raised the issue of the appellant having access to other land at Diss and he said that Mr Hargreaves's own evidence suggested that this land could accommodate a residential unit. However, that is not my interpretation of the statement. Mr Price confirmed that he no longer rents grazing land in Diss and in any event there was no opportunity to have his residential caravans there.
34. Overall, on this issue I conclude that at the moment there is an unmet local need for gypsy site accommodation and no other formal alternative sites are available for the appellant to turn to. This failure to ensure reasonable

provision in accordance with the PPTS has to be regarded as a significant factor in favour of the development.

Personal circumstances and the best interests of the children

35. Mr Price outlined his family's personal circumstances. He and his partner have 5 children living with them on the site and the ones of school age attend local schools. The Headteacher of the local school has written to confirm that the children are settled at school and benefit from the full-time education. He says as far as the children are concerned it would be detrimental to their educational and emotional development to move them.²
36. Written evidence has also been submitted from a Consultant Orthopaedic Surgeon about a condition suffered by one of the children and his/her likely need for continuing need for treatment including in hospital and assistance when at school.
37. These circumstances are positive factors in favour of the appellant and his family continuing to live at the site.

Other considerations

38. Although not a factor raised by the Council some local people say that the presence of the gypsy caravans on the site at the moment and the proposed intensification of that use would harm the living conditions of the occupiers of residential properties around the site. Of particular concern was the noise from an electric generator and external lighting which was said to result in light pollution.
39. At the site visit I noted that the residential vans did not have a connected electricity supply but the generator was not in use, and therefore not audible. I could also not see external lighting outside of the caravans.
40. In terms of the relationship with neighbouring housing I am satisfied that there is no other house close to the site which would be directly and materially harmed by the residential occupation of the gypsy site. If there is noise from an electrical generator that is likely to be reduced as Mr Price said it was his intention to have a permanent electricity supply if his appeal is allowed. External lighting on the site could also be controlled by condition.
41. Overall, I find that the proposed development would not be likely to harm the living conditions of people already living in the area and the scale of the site would not dominate the nearest settled community in the context of criterion a) of Policy DM3.3.
42. Finally, the government issued a Written Ministerial Statement in August 2015 which expressed concern about 'intentional unauthorised development'. However, as the initial unauthorised use of the lower land as a gypsy pitch started before then in May 2015 this reduces the weight that can be afforded to this issue and I have considered the use proposed on its individual planning merits.

² Letter from Mr Lightbown, Headteacher of Aslacion Primary School, to Mr Hargreaves dated 21 September 2015

Planning Balance

43. At the onset of considering the issues in the planning balance I have borne in mind the duty placed on me within the Public Sector Equality Duty. I have also considered the best interests of the children in the appellant's family as a primary consideration. Further, on the evidence put to me I have concluded that the family are Romany Gypsies and the appellant has a mainly nomadic habit of life that falls within the definition of 'gypsies and travellers' set out in Annex 1 to the PPTS.
44. Bringing together the other conclusions I have reached on the main issues, in terms of the location of the site I have found that it lies outside any settlement in an area of countryside where new residential development in the form of a residential gypsy site would conflict with the provisions of the development plan. However, the character of the local area includes much scattered development and I do not consider the site to be isolated or 'away from' settlements in the context of Policy DM3.3 or the PPTS. The walking distance between the site and some basic facilities and the regular availability of public transport means that the site is reasonably accessible and can be regarded as a sustainable location. In addition I have also found that the proposed development would have a moderately harmful visual and physical impact on the countryside landscape of the River Tas. The conflict with the locational criteria in the development plan and the other local harm are adverse effects that carry significant weight.
45. Regarding highway aspects, while the roads around the site are mostly minor rural lanes, the degree of additional traffic likely to be generated by the residential gypsy use and the associated keeping of horses, would not have a materially harmful effect on traffic capacity. As the proposals would involve the closure of two access points and the improvement of visibility at the other access, without harming the form of the existing roadside hedgerow, on balance, I do not consider there would be a significant additional risk to highway safety. I find this has a neutral effect in the balance. The effect on protected species is also neutral as the impact can be mitigated by a scheme required by a condition, and the proposed gypsy site is now not at an unacceptable risk of flooding.
46. However, I have also found that the Council has not made a positive plan-led allocation for the provision of gypsy sites at the moment and will not do so until the Gypsy and Traveller DPD is adopted, possibly in 2018. As such the Council cannot identify a five years supply of new gypsy and traveller sites now, in accordance with the clear requirements of the PPTS. It is also accepted that locally there is an unmet demand for traveller sites now and there are no identified alternative sites available for the appellant to turn to. These factors also carry significant weight.
47. I have considered the personal circumstances of the appellant and his family. It is clear to me that the best interests of the children are served by the family being together where the children can have a continued and stable education at the same school with their established peers. There is no doubt that if the appeal is not successful, the appellant and his family are likely to lose their current home and be forced to live on the road to maintain a gypsy lifestyle. This would be highly disruptive and an interference with their human rights. However, rights under Article 8 of the

Human Rights Act are qualified rights and have to be balanced with the other factors.

48. Given the conflict with the settlement hierarchy and related policies in the development plan and the moderate visual harm that would occur, I do not consider that planning permission should be granted for the development on a permanent basis. However, the PPTS advises (in paragraph 27) that if a Council cannot demonstrate a five year supply of new sites, this should be a significant material consideration in any assessment of granting a temporary planning permission. At the hearing the Council accepted that a reasonable period for a temporary consent would be 4 years. This would enable an appropriate lead-in time following the adoption of the local DPD on new gypsy and traveller sites to come into effect, hopefully in 2018, and would give the appellant time to make alternative arrangements without the expense of much work having to be undertaken on the appeal site which is likely to be abortive with a temporary permission.
49. I have considered the many letters of objections to the development from local people, and as supported by their MP, particularly the concerns about the use starting without consent and differences with the settled community. Nevertheless, the overall balance of considerations when the development plan, PPTS and the NPPF are read together and as a whole, clearly justify a limited period permission so that the recognised needs of gypsies and travellers can be addressed through the formal planning process in the longer term. I will therefore allow the appeal on this basis with permission for a four year period.

Conditions

50. In terms of conditions, I agree with the Council that conditions should be imposed to ensure that the site is occupied by gypsies only as defined in the PPTS as that is the special case put forward. In the interests of maintaining the appearance of this area of countryside, it is reasonable and necessary that any commercial activities on site are restricted and that the total number of caravans should not exceed that put forward in the application. The partial screening of the site is important to help reduce the visual impact of the use and a condition will be imposed to ensure that the trees and hedges are retained. I will also impose a condition which requires further details and the implementation of foul and surface water drainage disposal; the Biodiversity Management Plan; and sound attenuation measures if the electric generator is retained; but I will amend the format of the condition to reflect the fact that some of the development proposed is retrospective.
51. In the interests of highway safety I will impose the conditions recommended by the Highway Authority about the closure of two access points and the improvement of visibility of the retained access into the site and the provision of the parking area for the period of the use existing. In addition, it would also be appropriate in the interests of certainty to impose a condition which lists the plans that are approved and the development must be undertaken in accordance with them.

Conclusions on Appeal A

52. For the reasons given above I conclude that Appeal A should be allowed for a limited period of 4 years.

Appeal B - Appeal on ground (g)

53. The appeal against the enforcement notice is only made on ground (g) that is that the period for compliance, at 12 months, is too short. The appellant says that the period should be 5 years because of the planning considerations as set out in Appeal A and especially the appellant's personal circumstances and the lack of a five year's supply of sites.

54. However a period of compliance of 5 years would be tantamount to a grant of planning permission which goes beyond the powers available under ground (g) and in any case ground (g) is not an opportunity to raise general planning issues. Considered separately on this ground alone, the period specified would give the appellant a reasonable time to look for alternative accommodation. The appeal on this ground therefore fails.

Conclusion on Appeal B

55. For the reasons given above I consider that the appeal should not succeed.

Finally, I must make it clear that although I have dismissed Appeal B and the notice is upheld as corrected, section 180 of the Act indicates that where planning permission is granted for development already carried out, the notice shall cease to have effect as far as it is inconsistent with that permission. That means, in effect, that the permission granted under Appeal A overrides the notice as upheld in Appeal B.

David Murray

INSPECTOR

Schedule of Conditions

- 1) The use hereby permitted shall be for a limited period of four years from the date of this decision. At the end of this period the use hereby permitted shall cease, all caravans, materials and equipment brought onto the land in connection with the use shall be removed, and the land restored to its former condition in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority.
- 2) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 3) No commercial activities shall take place on the site, including the storage of materials, other than in connection with the keeping and breeding of horses
- 4) There shall be no more than one pitch on the site. The pitch shall include no more than two mobile homes and two touring caravans and a dayroom/store at any one time.
- 5) No trees or hedges shall be cut down, uprooted, destroyed lopped or topped, other than in accordance with a scheme previously approved by the local planning authority. Any trees or hedges which are removed without consent shall be replaced during the next planting season with trees of such size and species as agreed in writing by the local planning authority.
- 6) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision schemes for the following aspects shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - the disposal of surface water;
 - the disposal of foul sewerage;
 - the erection of the enclosing screen fence;
 - the provision of external lighting;
 - the sound attenuation of the electricity generator;
 - the Biodiversity Management Plan as referred to in the letter from Dr David White Natural Environment Team NCC dated 6 October 2016.
 - ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved schemes specified in this condition, that the schemes shall thereafter be retained for the duration of the permission.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 7) Unless within 90 days of the date of this consent the following highway works are carried out, the use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed:
 - (a) The vehicular and pedestrian access to and egress from the adjoining highway shall be limited to the existing southern (restored) access into the U76102 Overwood Lane only. The other access and egress shall be permanently closed and the highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the local planning authority beforehand.
 - (b) The verge crossing to the existing southern access onto the U76102 Overwood Lane shall be upgraded in accordance with the Norfolk County Council residential access construction specification for the first 5 metres as measured back from the near channel edge of the adjacent carriageway. Arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway.
 - (c) A visibility splay measuring 2.4m by 43 metres shall be provided to each side of the existing southern (restored) access where it meets the U76102 Overwood Lane. The splay shall thereafter be maintained at all times from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
 - (d) The proposed access, on-site parking and turning area shall be laid out in accordance with the approved plan and retained thereafter for the use.
- 8) The development hereby permitted shall be carried out in accordance with the following approved plans: AP02; AP03; Day room / store; Horse shelter.

APPEARANCES

FOR THE APPELLANT:

Mr Hargreaves	Planning Consultant
Mr C Smith	Ecologist, Norfolk Wildlife Trust.
Mr Price	Appellant
Mrs L Price	Appellants partner

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Curtis, MRTPI.	Senior Planning Officer, South Norfolk District Council
Mr Shaw, IHIE.	Senior Engineer, Norfolk County Council.
Ms C Watts	Ecologist, Norfolk County Council.

INTERESTED PERSONS:

Mr Jones	Albion Planning Consultants, Representing 59 local residents.
Cllr B Duffin	Local District Councillor.
Mr M Rigby	Office of Richard Bacon MP.
Mr B Frith	Parish Councillor.

DOCUMENTS

- 1 Revised Local Development Scheme Timetable - Oct 2016 (Mrs Curtis)
- 2 Copies of policies from the development plan.