



Appeal Decision

Inquiry Held on 16 April 2019

Site visit made on 17 April 2019

by C Sherratt DipURP MRTPI

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

Decision date: 8th July 2019

Appeal Ref: APP/M3645/W/18/3205027

Highview, Beech Farm Road, Warlingham, CR6 9QG

- 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 & Mrs E & M Cash against the decision of Tandridge District Council.
 - The application Ref TA/2015/1913, dated 21 October 2015, was refused by notice dated 15 January 2018.
 - The development proposed is the use of land as a private gypsy and traveller caravan site consisting of 4 no. pitches.
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Procedural Matters

1. The proposed development has already occurred. The application is therefore made retrospectively.
2. The application site, as identified by a red edge on the site location plan, erroneously includes land occupied by an existing bungalow not referred to in the description of development. There is no intention to demolish the bungalow or use it in association with the proposed gypsy and traveller caravan site. A revised plan, reference TDA.2167.01 Revision C 'Red Line' was therefore submitted prior to the close of the Inquiry excluding the bungalow and its curtilage. I do not consider any prejudice would arise if I accept the revised plan. I shall determine the appeal on this basis.

Decision

3. The appeal is allowed and planning permission is granted for the use of land as a private gypsy and traveller caravan site consisting of 4 no. pitches at Highview, Beech Farm Road, Warlingham, CR6 9QG in accordance with the terms of the application, Ref TA/2015/1913, dated 21 October 2015, and the plans submitted with it and revised plan TDA.2167.01 Revision C 'Red Line', subject to the conditions set out in the Schedule attached.

Main Issues

4. Paragraph 146 of the National Planning Policy Framework ('the Framework') confirms that material changes in the use of land within the Green Belt are not inappropriate development provided they preserve its openness and do not conflict with the purposes of including land within it. Policy E of Planning Policy for Traveller Sites (PPTS) confirms that Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. There is no dispute between the parties that the development represents inappropriate

development in the Green Belt having regard to the Framework, PPTS and relevant development plan policies. I agree. The main issues are therefore:

- (a) The effect on the openness and purposes of including land in the Green Belt;
- (b) The effect of the development on the character and appearance of the area, designated an Area of Great Landscape Value (AGLV);
- (c) Whether the appeal site is situated within a sustainable location; and
- (d) Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

- 5. The development plan includes the Tandridge District Core Strategy (adopted 15 October 2008) (CS) and the Tandridge Local Plan Part 2: Detailed Policies (adopted July 2014) (LP).
- 6. CS Policy CSP1 sets out a hierarchy for the location of development. Policy CSP9 is specific to gypsy and traveller caravan sites. This states that the Council will make provision for sites for gypsies and travellers, through a Site Allocations Development Plan Document in accordance with any identified need and taking into account the existing authorised provision within the District. In allocating sites, the preference will be for urban sites, however when it is not possible to identify urban sites the Council will allocate sites within the Green Belt. Criteria are set out within the policy which are to be used not only to assess the suitability of sites being considered for allocation but also to be satisfied by proposals for sites to meet unexpected and proven need.
- 7. CS Policy CSP18 'character and design' requires new development to be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Although cited in the reasons for refusal, CSP20 relates to Areas of Outstanding Natural Beauty (AONB) only. The site is not situated within an existing area of AONB. Any comparisons with the AONB or future aspirations to include the area within which the appeal site is situated as AONB is not a consideration that I afford any weight in this appeal. CSP21 requires the character and distinctiveness of the District's landscapes and countryside to be protected for their own sake. New development will be required to conserve and enhance landscape character.
- 8. Policy DP1 of the LP is an overarching policy that reflects the presumption in favour of sustainable development set out in the Framework. LP policy DP10 is relevant to development in the Green Belt. It confirms that proposals for inappropriate development in the Green Belt will only be permitted where very special circumstances exist, to the extent that other considerations clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm. Policy DP13 is specific to buildings in the Green Belt. No buildings are proposed.
- 9. LP Policy DP7 General Policy for New Development' requires all new development to be of a high-quality design. Development should integrate

effectively with its surroundings, reinforcing local distinctiveness and landscape character. A number of matters must be effectively addressed.

10. The Council is in the process of producing a Local Plan for the period to 2033 'Our Local Plan' (the emerging LP). It has been submitted for examination. As an emerging plan the parties agreed it could still only be afforded limited weight. No gypsy and traveller sites have been allocated in the emerging LP. Although some sites were found to be suitable for the purposes of the Housing and Economic Land Availability Assessment all were in the Green Belt. The exceptional circumstances needed to justify their release from the Green Belt were judged, by the Council, not to exist. It is therefore expected that the plan allows for sites to come forward where they meet essential criteria and assist in meeting identified needs. Whether very special circumstances exist for proposals in the Green Belt will be determined on a case by case basis.
11. Policy TLP15 is a criteria-based policy. It requires the first four criteria (i)–(iv) to be met and / or a further six criteria (v – x). Three additional bullet points set out circumstances when planning permission will not be granted; essentially where sites do not provide a safe environment for the occupiers. Emerging Policy TLP16 relates to the design of traveller sites.

Green Belt

12. The development comprises inappropriate development. It is therefore accepted that openness is not preserved. The existing lawful use of the site is for equine purposes. No equestrian buildings exist on the land. As such the existing lawful use is open in nature. The introduction of a caravan site containing 4 pitches with the stationing of up to 8 caravans, including 4 static caravans, would undoubtedly reduce openness and result in encroachment into the countryside. Whilst the introduction of some earth bunding and planting has helped to reduce the impacts of the site from available longer distance views there is nevertheless some harm to the visual qualities of the Green Belt in addition to an overall reduction on openness. That said, the appeal site is relatively well contained in the southern section of the wider site, close to the existing bungalow and adjacent lawful gypsy and traveller site. Indeed, the static caravans that I observed on the site in their current positions were far less obtrusive than the bungalow, with only glimpses of the caravan roofs being seen in the available longer distance views.
13. I am mindful that in granting planning permission for the bungalow in 2015 the application proposed to demolish an existing building and remove a lawfully sited caravan. The proposed package was considered to result in an improvement to the openness of the Green Belt and its visual amenities. In summary, the removal of the built form and hardstanding that had evolved on the site was considered to amount to the very special circumstances necessary to outweigh the harm caused by inappropriateness and other identified harm¹. The Council expressed concern that any grant of planning permission for the appeal development would undermine the justification for the bungalow and the improvements that were considered to be gained to openness.
14. Nevertheless, for the reasons rehearsed above, I consider that harm to openness and the purposes of including land in the Green Belt that is caused by the appeal development is only modest.

¹ As set out in the Officer's delegated report – Appendix 2 of Mr Woods' Proof of Evidence.

Character and appearance of area

15. The appeal site is situated within an area designated in the LP as an AGLV. It occupies a position on the upper part of a dry valley. Although the Council describe the site as elevated and prominent, there are no close public views and so it is only seen in distant views from nearby roads, where only glimpses of the site can be gleaned. I appreciate that it may be more visible in winter months but still only from limited sections of the road and in long distance views.
16. In my view, in the context of the lawful bungalow and adjacent lawful caravan site and subject to the appropriate siting of the caravans and additional planting, the development would conserve and enhance landscape character in accordance with CS Policy CSP21.

Sustainable location

17. The site is in a location away from any settlements. Site occupiers are therefore likely to be reliant on the car as the main mode of transport. However, it must be acknowledged that sites for gypsies and travellers are unlikely to come forward on urban sites as preferred in Policy CSP9. Nearly all of the District, outside settlements, is within the Green Belt or designated as AONB. All existing sites, whether public or private, are within the Green Belt. The suitability of the location of the development must be considered in this context and in the recognition that PPTS anticipates the likelihood of rural sites in the Countryside².
18. With this in mind, it would be unrealistic to expect sites for gypsies and travellers to be found in locations that are equally suitable for housing for the settled population as such development potential for housing is likely to rule out the affordability and availability of such sites.
19. The nearest settlement to the appeal site is the town of Warlingham which contains a wide range of services and facilities including shops, restaurants, schools, hairdressers and the like. Indeed, it is a Category 1 settlement in the CS, where Policy CSP1 permits development in order to promote sustainable patterns of travel. The appeal site is about 3.8km (2.4 miles) from a large Sainsburys supermarket on the edge of Warlingham. Whilst I do not therefore dispute that there will be a reliance on the private car to access facilities and services, over and above the travelling associated with a nomadic way of life, the site is not isolated.
20. PPTS requires sites to be economically, socially and environmentally sustainable. The site would provide the appellant and his family with a settled base where it is easier to gain access to health and education. It would also reduce the need for continuous travelling associated with living on the road-side and give the family a safe and secure base. These are social and environmental benefits.
21. Policy CSP9(f) expresses a preference for sites that are accessible by non-car modes of transport. Within 1 mile there is a bus stop which I heard is serviced by a regular service to Croydon and I saw from this point there is also a footpath and cycle path into Wallingham. However, to reach these, the road from the appeal site is a typical rural lane that is unlit and has no separate

² PPTS – Policy C

footpath. The site itself cannot reasonably be described as being accessible by non-car modes of transport.

22. Nevertheless, Policy CSP9(f) is expressed as a preference only, not a requirement. I therefore find no conflict with the development plan in this regard. Furthermore, the emerging LP requires pitches to be located within a reasonable distance of local services and facilities including shops, GPs and schools, even if the site is not directly adjacent to the settlement boundary³. In the context of gypsy and traveller sites, I regard the appeal site as being within a reasonable distance of local services and facilities.

Other considerations

Need

23. Previous appeal decisions concerning proposals for gypsy and traveller sites in the District refer to a Traveller Accommodation Assessment (TAA) (draft report) that provided the evidence base for the adopted CS. This identified a need for 63 pitches between 2013-2028, of which 48 were required during the initial five-year period up to 2018. However, despite such a pressing need, no Site Allocations Development Plan Document has been produced as set out on CS Policy CSP9.
24. Another Gypsy and Traveller Accommodation Assessment (GTAA) was commissioned by the Council and published in 2017 to provide evidence to support the emerging LP. The evidential base date for this GTAA is 2016. The robustness of this evidence and in turn the justification for any policies it supports has not yet been tested through the examination process.
25. The 2017 GTAA seeks to distinguish between those occupiers that meet the definition of a gypsy and traveller for planning purposes (as revised in 2015) and those that don't. I heard that this was determined based on the responses to interviews with site occupiers who were available on the pitches visited⁴. Interviews occurred on only 30% of the pitches visited. Of the 47 gypsy and traveller households in Tandridge identified in Figure 8⁵ of the GTAA, 4 were considered to meet the definition, 17 to not meet it and in the case of 26 households, the position was unknown.
26. The preamble to emerging LP Policy TLP15 explains that the 2017 GTAA found a need for 5 additional pitches for gypsies and travellers between 2016 and 2033. This is consistent with Figure 10 'Need for additional pitches for Gypsies and Travellers that meet the Planning Definition 2016-2033'. These are all required in the first five-year period (Figure 11).
27. At the Inquiry the Council's witness accepted that the GTAA acknowledges that there may be a need for 'up to' a further 15 pitches. This is explained in paragraph 7.37 of the GTAA as being because it was not possible to determine the travelling status of the 26 households who are believed to be ethnic gypsies and travellers and may meet the definition. For the purposes of this appeal, in the absence of evidence to the contrary, the figure of a further 15 pitches should be regarded as an absolute minimum. More or less than 15 households within the 26 'unknown' households could meet the definition; it's simply

³ Policy TLP15 – criterion (v)

⁴ Figure 5 'Gypsy and Traveller Sites visited in Tandridge by ORS'

⁵ Figure 8 'Planning Status of Gypsy and Traveller households in Tandridge by ORS'

undetermined at this stage. In any event, these together with the remaining 'unknowns' and 17 households found not to meet the definition, are still households in need of accommodation and that need may well be for accommodation on caravan sites.

28. The appellant's planning witness was able to identify a number of instances where unauthorised pitches existed at the time of the GTAA base date but had not been recorded. This amounts to some 9 to 13 pitches; the additional 4 pitches only arising if the sites at Plot 1 and Plot 2 Oaklands have been recorded the right way around in the Figure 5. All of the occupiers of these additional pitches were said, by the appellant's witness, to meet the planning definition of gypsies and travellers. No evidence was presented by the Council to challenge this information. Added to this were further unauthorised pitches referred to by the appellant's witness as having been established since the 2016 base date of the GTAA. Again, this evidence was unchallenged. The immediate needs of these households for pitches or any emerging needs through newly formed households during the plan period therefore appear to be in addition to the 5 plus 15 further households identified in the GTAA.
29. Of the sites visited, 5 were unauthorised, containing 17 pitches. There appears to be a potential discrepancy between this information and that contained in figure 8 that suggests only 13 households live on unauthorised sites. Two unauthorised pitches were occupied by non-travellers which may account for a difference of 2 but the other two households seem to be unaccounted for based on the information available to me and could not be explained by the Council's witness.
30. Notwithstanding any future examination of the emerging LP where the robustness of the GTAA as a whole will be considered, based on the evidence put to this Inquiry there would appear to be a far greater need for pitches than recorded in the GTAA. Some of this represents an immediate need. I do not accept the Council's proposition that this overall need was not significant. It cannot be directly compared to other GTAAs that have not attempted to split those meeting or not meeting the definition and need will always be relative to the gypsy and traveller population already occupying sites in a local authority area. I regard the need for additional pitches to be significant and in a matter to be afforded significant weight.

Lack of Alternative Sites

31. There was no suggestion that there were other suitable and available sites accessible to the occupiers of the appeal site. Whilst the Council's witness understood that those not meeting the definition had been taken into account in addressing the objectively assessed need of the settled population, there was no certainty how the needs of those not meeting the definition and who may potentially be displaced as a result of any action, but still requiring a caravan site, are to be met going forward.
32. No site allocations are proposed in the emerging LP although paragraph 18.37 refers to a recognition by the Council that the South Godstone Community could provide an opportunity to deliver traveller accommodation in a sustainable location close to services and facilities to meet longer term needs. I was not informed of any specific timetable within the Local Development Scheme for the production of an Area Action Plan relevant to this proposal should such an approach be found sound, other than it was likely to take 5 to 6

years to produce. In any event, as this is only a possible longer-term solution, the emerging plan will not address any immediate need for pitches. I give the lack of suitable and available alternative sites great weight.

Failure of Policy

33. There is no dispute between the parties that the Council cannot demonstrate a 5-year supply of pitches for gypsies and travellers.
34. The Council has failed to meet any of the need identified in the (draft) TAA some 5 years on. The Site Allocations Plan referred to in the CS was not progressed to completion.
35. Policy E of PPTS confirms that Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan making process and not in response to a planning application. No sites are proposed in the emerging LP, despite a need being identified. As stated previously, the emerging LP only refers to meeting the longer-term needs at the proposed South Godstone Garden Community for which an Area Action Plan would be produced should the emerging LP be found sound. In the meantime, any need can only therefore be addressed through planning applications.
36. As most, if not all, proposals will be in the Green Belt it will be necessary to demonstrate that very special circumstances exist for applications to be successful. The government has made clear in a Written Ministerial Statement that need and personal circumstances are unlikely to amount to very special circumstances when determining a planning application. The Council's stated approach to meeting need through planning applications actually therefore sets a more stringent test for proposals to meet than demonstrating the exceptional circumstances required to justify the release of land through a Local Plan. And yet, despite identifying sites to consider through the LP process, the Council has already indicated that exceptional circumstances do not exist to allocate any Green Belt sites that were considered as part of the emerging LP process.
37. Furthermore, as need can only be addressed through planning applications at least until such time as any Area Action Plan is prepared and adopted, it is of great concern that the Council has a number of long-standing validated applications, some of which were submitted as long ago as 2015, that have not yet been determined.
38. To conclude, I consider that there has been a persistent and woeful failure on the part of the Council to meet the needs of the gypsy and traveller community both historically and potentially going forward. This is a matter I afford substantial weight.

Previously developed land

39. Paragraph 26 of PPTS confirms that when considering applications, local planning authorities should attach weight to a number of matters including the effective use of previously developed (brownfield), untidy or derelict land. The NPPF defines previously developed land as "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)

and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

40. The appellant's case is that the wider site (i.e. that edged in red and blue on the site location plan that was part of the set of application plans) is previously developed land. In support of this proposition the appellant cites a previous appeal decision including the appeal site concerning linked appeals relating to (i) the lawfulness of the stationing of a caravan for residential purposes; and (ii) a s78 appeal for the retention of the caravan and use of part of a stable block as a day room⁶ (the 2007 appeal decision).
41. Paragraph 8 of that 2007 appeal decision, under a heading 'Planning History and Background', describes the entire land holding in 2007 as appearing "*to have been used for equestrian purposes from the late 1980s, with the stable block being used both as stables and, in its north eastern part, as a rest room or mess area with toilet and washing facilities for the horse riders and owners. Sufficient evidence existed for the Council to grant a LDC for the use of the entire land holding (including the building) for private equestrian purposes, in 1999*". Whilst the stable building has gone, having been replaced by the bungalow, the lawful use of the land beyond what would be the newly formed curtilage of the bungalow, was and remains for equestrian purposes. It is therefore land that was occupied by a permanent structure. The question therefore arises as to whether the entire landholding referred to in paragraph 8 of the appeal decision was the curtilage of the developed land.
42. The Council relies on paragraph 7 within the 2007 appeal decision that states, "Around the building is a mainly concrete and tarmac surface, surrounded by fencing beyond which are grassed enclosures, a sand-covered horse exercise area and two paddocks, a smaller one to the east and a much larger one to the north." This, in the Council's submission, demonstrates that the curtilage must be regarded as a much smaller area confined to the area of concrete and tarmac surface surrounded by fencing. I agree. To my mind the paddocks beyond the stable building and the defined and demarcated space beyond it, would be outside the curtilage of the former building. I do not accept that the entire land holding referred to in paragraph 8 would have met the definition of previously developed land, despite having been subject to a material change of use some 10 years or more prior to 2007. Whilst the change of use to equestrian purposes constituted development that is not to say it is 'developed land' in the sense referred to in the definition of previously developed land.
43. Even if I am wrong on this point, the definition is clear that it should not be assumed that the whole of the curtilage should be developed. From the description set out in paragraph 7 of the 2007 appeal decision, the area beyond the building and mainly concrete and tarmac surface, surrounded by fencing remained predominantly open in nature. I do not therefore consider that even if it was previously developed land, that it would weigh positively in favour of developing the land beyond that contained within the fence surrounding the concreted area around the building. This is not a consideration I find to weigh in favour of the proposal.

⁶ Appendix 2 to Mr Woods' proof. Appeal ref: APP/M3645/X/06/2034051 & APP/M3645/A/07/2034462

Needs of the appellant and other intended occupiers for a pitch

44. The site is occupied by the appellant and his wife together with their three adult children and their partners together with four grandchildren. They are Irish Travellers. I heard from the appellant that they all travel regularly, albeit not necessarily together, throughout the summer months, carrying out mainly landscape and gardening work. All members of each household will travel together as a family except during periods when children are attending school. The site occupiers also trade at various horse fairs, sometimes keeping up to four horses at the site. I am satisfied on the evidence before me, that the family group who occupy the site all currently meet the definition of a gypsy and traveller set out in the PPTS.
45. I heard that none of the group had a settled base before purchasing the site and lead a predominantly road side existence; occasionally pulling up on pitches belonging to other family members. The wider family group have a personal need for four pitches. In the absence of any suitable and available sites, I give the personal needs of the occupiers for a pitch significant weight.
46. Case law establishes that the best interests of the children are a primary consideration. There are a number of children on the site ranging from 4 years old to 14. A settled base rather than a predominantly road-side existence is clearly in the best interests of the children. A settled base will ensure easier access to education (both for the child already at school and those approaching school age) and health care provision on a consistent basis. In addition I accept that the overall safety and welfare of the children must be improved when compared to a predominantly road side existence where there is a risk of constantly being moved on or pulling up in locations with no access to safe and accessible amenity space; and more so during the winter months when the appellant indicated the families do less, if any, travelling due to the nature of their employment. I give the best interests of the children substantial weight.

Balancing exercise

47. The development comprises inappropriate development in the Green Belt. The harm by reason of inappropriateness and other harm to the Green Belt must be afforded substantial weight. There is some additional harm to openness and the purposes of including land in the Green Belt.
48. Considerations weighing in favour of the development are the general and significant need for gypsy and traveller pitches in the district, the lack of a 5-year supply of pitches and any suitable alternatives, the longstanding and on-going failure of Council policy to address the needs of the gypsy and traveller community and thus the unequal approach when compared to the settled population. Given the weight I have attributed to each of these considerations in this particular case, the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by these considerations alone. It is not therefore necessary to add personal circumstances or the best interests of the children into the balancing exercise or restrict occupation on this basis.

Conditions

49. The site is justified for occupation by those meeting the definition of gypsies and travellers and so a condition restricting occupancy accordingly will be required. The number of caravans that can be stationed on the site at any one

time should be limited to eight, of which no more than four should be a static caravan. A number of details require approval by the Council to ensure the satisfactory development of the site. These are means of foul and surface water drainage, the site layout, details of external lighting, refuse and waste storage and collection arrangements, boundary treatments and landscaping. As the development has already been carried out the condition must be worded in such a way that the use would cease if the details were not submitted and approved within a reasonable period of time.

50. The application was accompanied by a landscaping plan. The Council expressed concern that the use of laurel hedging that has already been planted was not appropriate in this countryside setting. I agree. I shall therefore, notwithstanding the submitted landscaping plan, require the submission of a scheme to be approved.

Overall Conclusions

51. For the reasons given above I conclude that the appeal should be allowed.

Claire Sherratt

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr A Masters

Of Counsel

Instructed by Mr B Woods

He Called:

Mr E Cash

Appellant

Mr B Woods

Agent for Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Ms J Parker

QC

Instructed by the Council's solicitor

He called:

Mr Thurlow

Of C.F. Thurlow Town Planning Consultancy

DOCUMENTS:

- 1 Planning Statement of Stephen Downes DipTP MRTPI dated March 2014;
- 2 Schedule of Draft Conditions;
- 3 Opening Submissions for Tandridge District Council;
- 4 Plan showing lawful and unlawful development surrounding appeal site;
- 5 2014 application plan;
- 6a Gypsy and traveller applications position statement - April 2019;
- 6b Appeal Decision APP/M3645/C/17/3186366;
- 6c Copy of Enforcement Notice re: Land at Kew Garden;
- 7 Planning application and Design and Access Statement re: Land at Kew Gardens;
- 8 Parental consent for various 'departments' to discuss a child;
- 9 Closing Submissions for Tandridge District Council;
- 10 Closing Submissions for the Appellant.

Schedule of Conditions

1. 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).
2. No more than 8 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 4 shall be static caravans) shall be stationed on the site at any time.
3. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
4. No commercial activities shall take place on the land, including the storage of materials.
5. 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 a scheme for:
 - (a) the means of foul and surface water drainage of the site;
 - (b) the facilities for, and location of, the storage and collection of refuse and waste;
 - (c) siting of proposed and existing external lighting on the boundary of and within the site;
 - (d) the internal layout of the site, including the siting of caravans, pitches, hardstanding, access roads, parking and amenity areas;
 - (e) tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; boundary treatments and where appropriate earth mounding (notwithstanding the application plan TDA.2167.02);(hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 11 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 scheme specified in this condition, that scheme shall thereafter be retained.

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.

6. At the same time as the site development scheme required by condition 5 above is submitted to the local planning authority there shall be submitted a schedule of maintenance for a period of 5 years of the proposed planting beginning at the completion of the final phase of implementation as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no walls, fences or other means of enclosure other than those approved under condition 5 shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.