



Appeal Decision

Inquiry Held on 6 August to 8 August 2019

Site visit made on 8 August 2019

by Louise Crosby MA MRTPI

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

Decision date: 16th September 2019

Appeal Ref: APP/M1595/W/19/3225961

Beauchamp Place, Malvern Road, Grays, RM17 5TH

- 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 J O'Connor against the decision of Thurrock Borough Council.
 - The application Ref: 18/01802/FUL, dated 28 August 2018, was refused by notice dated 22 March 2019.
 - The development proposed is use of land to provide 5 pitches for gypsy/traveller families as total of 5 mobile homes, 5 touring caravans and 1 dayroom.
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Decision

1. The appeal is allowed and planning permission is granted for the use of land to provide 5 pitches for gypsy/traveller families a total of 5 mobile homes, 5 touring caravans and 1 dayroom at Beauchamp Place, Malvern Road, Grays, RM17 5TH in accordance with the terms of the application, Ref 18/01802/FUL, dated 28 August 2018, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. Planning permission is sought for 5 pitches on the appeal site. Each would contain a mobile home and a touring caravan. One dayroom would be shared by all of the occupants of the site. Mr John O'Connor (the appellant) intends to occupy one pitch, along with his wife Bridie O'Connor and their 3 children. The second pitch would be occupied by Mr Thomas Penfold (appellant's second cousin) and his wife Mrs Pollyann Penfold. The third pitch would be occupied by Kathleen Connors (Bridie O'Connor's mother) and her son. The fourth would be occupied by Mr Patrick Doherty and his wife Mrs Mary Doherty (first cousin of the appellant) and the fifth by Mr Jim Rooney and Mrs Eileen Rooney (second cousin the appellant).

Main Issues

3. The parties agree that the proposal comprises inappropriate development in the Green Belt. With that background the main issues are:
 - The effect of the proposal on the openness of the Green Belt, and on the purposes of including land within it;
 - The effect of the proposal on the character and appearance of the surrounding area;

- The need for and supply of gypsy sites within the area;
- The accommodation needs and personal circumstances of the proposed occupiers of the site;
- Whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Description of the site, the surrounding area and planning history

4. The appeal site occupies an area of land between existing traditional dwellings on Malvern Road and the Old Dock Approach Road, a dual carriageway. The site is at a lower level than the houses and gardens on Malvern Road, but significantly higher than the level of the dual carriageway. An area of land exists between the site and Old Dock Approach Road and this slopes down significantly from the site to the road. This is overgrown with vegetation, but also contains numerous mature trees.
5. Malvern Road is a no through road which leads to the appeal site. The eastern side, adjacent to the appeal site and the head of the road contains a mix of traditional detached, semi-detached and terraced dwellings. On the opposite side of Malvern Road is a cemetery. The surrounding area is built up and contains a mix of dwellings and community uses such as the cemetery, a college and a sports facility, as well as local shops and services. Although the site is in the Green Belt it is on the edge of a built-up urban area, close to services and facilities. There is no dispute between the parties that the site is in a good location in terms of being able to access services without reliance on a car.
6. At present the site contains a static caravan occupied by the appellant, his wife and his 3 children. There is an unoccupied static home belonging to Mr and Mrs Penfold also on site. In addition, there are 2 dilapidated buildings that have clearly been on the site for tens of years. One of these is being used in part by the appellant for the stabling of his horse and in part as a utility area and toilet. The other building is used for storage and also contains a shower. A large part of the site has been cleared of vegetation and trees and so is open. The southern part of the site is scrubland which is fenced off and is occupied by the appellant's horse. The appellant has also planted additional trees in this area.
7. The local Member explained at the Inquiry that prior to the site being occupied by gypsies it was covered in trees, providing a barrier to road noise from the dual carriageway for residents on Malvern Road. It was also home to wildlife and provided an area of escape for local residents. However, the site was not public open space, but a privately owned site.
8. Turning to the planning history of the site, in 2003 planning permission was granted at the appeal site for one gypsy and traveller pitch for a temporary period of 2 years. Conditions restricted the use of the site to one mobile home, one touring caravan and two additional caravans for visitors remaining on the site for periods of less than 28 days. There were also planning conditions imposed on this permission to limit development to the north eastern part of

the site and secure the removal of the piggery and a portacabin. The piggery remains still.

9. In 2015, there was a conjoined appeal on the site. This considered an appeal against an enforcement notice and a planning application for the residential use of the land as five traveller pitches. The enforcement notice was quashed and a personal, temporary planning permission was granted on 24 August 2015 for a period of 5 years. One of the pitches was permitted for Mr and Mrs T and P Penfold who have a static home on the site at present but who do not currently live there due to an injunction. Mr and Mrs Penfold are seeking a home on the appeal site by way of this appeal.
10. One of the appellant families in the 2015 appeal/planning permission (Mr & Mrs Birch) vacated the site before the planning permission had expired and wrote to the Council telling them so. In response, the Council took proceedings in the High Court and served an injunction on all of the appellants in the 2015 appeal/planning permission. There is a dispute between the parties about whether the injunction applies to, or should apply to, Mr and Mrs Penfold.

Gypsy Status

11. It is important to ascertain whether the appellant and other intended occupiers of the site have gypsy status in planning terms, as defined in Annex 1 to 'Planning policy for traveller sites' (PPTS) (2015). If gypsy status is confirmed then PPTS and the development plan policies dealing with gypsies and travellers are engaged.
12. The Council confirmed at the Inquiry that they accepted that the appellant and the other intended occupiers have gypsy status. The appellant has submitted evidence of regular travelling for economic purposes, so for work, to attend horse fairs as well as cultural and family events for himself and 3 other families who would occupy a pitch. The other pitch would be occupied by the appellant's mother in law. She has previously had a roadside existence and has stopped travelling temporarily due to ill health which I will return to later. On the basis of the evidence before me I have no reason to doubt that the appellant and the other intended occupiers fall within the PPTS definition.

Green Belt

13. As set out above the parties agree that the proposal represents inappropriate development in the Green Belt. This is in line with the 2018 Framework and more specifically, PPTS which states that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the Council alleges additional harm to the Green Belt in relation to a loss of openness and conflict with the fundamental aims of Green Belt policy.
14. The previous planning permissions on the appeal site for gypsy sites have been for a temporary period. The use of the site for such a purpose has necessitated the clearing of the site of much of its original vegetation and trees. There is no photographic evidence before me of what the site looked like prior to 2003 and so I must base this upon evidence from local residents who say the site was heavily treed and was free from built development with the exception of the 2 buildings that remain today. A large part of the site has been cleared and

would if this planning permission is granted contain 5 static caravans up to 5 touring caravans at any one time and a day room. The day room would replace the existing ramshackle barn so its impact on openness would not be significantly greater than the present barn. However, the static and touring caravans, along with parked vehicles and other domestic paraphernalia which would be likely to be present on the site would reduce openness on the site (compared to the pre-2003 position) and would conflict with the policy aims of preventing urban sprawl by keeping land permanently open and safeguarding the countryside from encroachment.

15. The proposal clearly conflicts with CS policy PMD6 and national planning policy. As set out in the Framework substantial weight should be given to the harm to the Green Belt.
16. In addition, because the appellant chose to move onto the site before being granted planning permission this constitutes intentional unauthorised development in the Green Belt which is a material consideration. The weight to be given to this is tempered by the fact that the 2015 planning permission allowed for development greater than exists on site at present up until August 2020, had the previous occupiers not left and an injunction been served. However, I realise that that planning permission would not have permitted the appellant to occupy the site. Taking all of this into account I consider this matter attracts limited weight.

The effect of the proposal on the character and appearance of the surrounding area

17. When I visited the site I saw that the open area, not occupied by buildings and static caravans was very tidy. The static caravans/homes on site are in a good state of repair. It is clear that the southern part of the site has benefitted from additional tree planting and a good quality low post and rail fence has been erected to keep the horse within this part of the site. If planning permission were to be granted for the proposal before me the number of static caravans, tourers and cars would increase.
18. There is no doubt that the character and appearance of the site would change if planning permission were granted from what existed here prior to 2003. The site would have a more urban residential character and appearance, but then it is on the edge of an urban area containing dwellings. The proposal would result in the expansion of built development beyond where it previously existed, other than for the small utilitarian buildings. However, it would be contained to the west by Malvern Road and to the east by the Old Dock Approach Road and the embankment leading down to it.
19. When I visited the site I saw that it would be mostly viewed from the first floor windows of some of the dwellings on Malvern Road, but these views would be filtered by mature trees along the boundary and in gardens, particularly during summer months. I was also driven along the Old Dock Approach Road in both directions. The greatest views of the site were from the carriageway farthest from the site due to the difference in land levels. These were what I would describe as glimpsed views and were of Mr John O'Connor's light coloured static caravan predominantly and that was mainly because of its light colour in contrast to the trees. If there were more caravans on the site then the glimpsed views would be of a greater number of caravans and of the day room.

20. Moreover, these would become more visually prominent during the months when the trees along the boundary are not in leaf. This could be remedied to some degree by a landscaping condition. I also walked along the layby which is adjacent to the site, but at a much lower level. Very limited views were available from here and even in winter they would not be great due to the difference in land levels. Also, although a number of lorries were parked there during my site visit, this layby is not intended to be used for prolonged periods, indeed such use is prohibited. I am also mindful that it is not appropriate to attempt to hide gypsy and traveller sites when it is an objective of PPTS to promote peaceful and integrated co-existence between sites and the local community.
21. Clearly the character would change as a result of noise from the site and comings and goings as a result of five families living there. However, due to the road noise from the Old Dock Approach Road and noise from homes and gardens on Malvern Road it will not have been a tranquil countryside site prior to 2003 in any event. Moreover, a portion of the site would still be covered by trees and landscaping and the character and appearance of the site could be controlled to some degree by planning conditions.
22. Overall, I am satisfied that the effect on the character and appearance of the surrounding area would not be unduly harmful and accord with CS policy PMD2 which seeks to ensure, among other things, that all design proposals should respond positively to the sensitivity of the site and its surroundings and CS policy CSTP22 which seeks to ensure that proposals demonstrate high quality design.

The need for and supply of gypsy sites

23. CS Policy CSTP3 states that the Council will seek to make provision for a total of 87 additional pitches in the period 2006-2021. This is subject to a review of the GTAA. The 87 pitches were derived from the now revoked Regional Spatial Strategy policy H3. It was the Council's intention to allocate sites to meet this need in a Site Specific Allocations DPD. However, work on this document was suspended and sites will now be allocated in the emerging Plan. Nevertheless, CS Policy CSTP3 and other relevant policies in the Plan, such as in this case Green Belt policies, are used for the assessment of individual planning applications such as this one.
24. The review of the GTAA has now taken place and was published in January 2018. This takes account of the most up to date version of PPTS and covers the period 2016-2033. This indicates a need for 10 additional pitches for gypsy and traveller households that meet the planning definition, 38 additional pitches for households that may meet the definition and 37 for households that do not meet the planning definition.
25. The GTAA also sets out the need in five year periods and in doing this just includes households that meet the PPTS Annex 1 definition. A total of 7 pitches are identified for the 5 year period (2016-2021) to meet the needs of those who are known to meet the definition. The Council have then factored in an uplift of 3 pitches to take account of those households that may meet the definition giving a total of 10 to be provided by 2021. Since 2016, one permanent pitch has been allowed, on appeal, so this leaves 9 to be provided for by 2021 and in the period before the Plan which will allocate sites has been adopted.

26. The Council accept that there is an unmet need in the District for gypsy and traveller pitches and no 5 year supply of pitches. They are in the process of preparing a local plan that will allocate gypsy and traveller sites but this is unlikely to be adopted before late 2023, at the earliest. Following the allocation of the sites it will take further time for land to be purchased, planning permission granted and the sites developed. So, in my view, it is likely to be 2024/25 when the first new sites are available for occupation and this is with a fair wind. This is at least 5-6 years from now.
27. The Council accepted at the Inquiry that this is likely that the allocated sites will need to be on land that is currently in the Green Belt. Importantly these sites will not be available to meet the current 5 year requirement and therefore the only way it can be met is through planning applications such as this one and that has been the case for a considerable number of years, as can be seen from the previous appeal decision on this site in 2015. At that time the Council expected to have an adopted plan containing gypsy and traveller sites by 2019. Clearly this has not happened and the Council's failure to meet the need of this sector of the population continues.
28. The Council also accept that there are no pitches available on the Council owned sites and that the turnaround on those sites is limited and the pitches that do become available tend to be used to deal with overcrowding and household formation from within these sites.
29. Overall there is an unmet need for gypsy and traveller sites in the District and no 5 year supply of sites, as required by PPTS. There is an identified ongoing policy failure to meet the identified needs of gypsies and travellers in this District. The matter of unmet need is critically important and carries great weight in favour of the proposal, particularly given the time it is still likely to take to adopt a plan containing gypsy and traveller sites.

The accommodation needs and alternative options of the proposed occupiers of the site

30. The appellant and his family have never had a permanent pitch. The appellant grew up on a distant cousin's site until it became too overcrowded. Until recently, when they began occupying the appeal site, they travelled. They spent some time in England living by the roadside and at other times living and working in New York in order to obtain medical treatment for one of their daughters, which I shall return to later. Mrs Kathleen Connor is currently living in bricks and mortar accommodation provided by a local authority, due to a serious health condition which I shall also return to later. She previously travelled and occupied a roadside existence but is no longer able to do this due to her health. Her son is unable to live with her as she is too unwell to care for him. Consequently, he is occupying a roadside existence with his uncle.
31. Mr and Mrs Penfold previously lived on the appeal site and indeed still have a mobile home on the site. The previous planning permission allowed them to remain on the site until August 2020. However, as set out above they left the site some time ago due to the injunction served by the Council. They are now living a roadside existence, travelling from place to place. There was some discussion at the inquiry about Mr Penfold spending a lengthy period of time in Italy, but this was disputed by the appellant and Mr Penfold was not present to confirm or deny this. I heard that Mr and Mrs Penfold have split up as a couple, however it seems they may get back together, especially if they have a

permanent stable home. There is no dispute that both Mr and Mrs Penfold are in need of a permanent pitch.

32. Turning to the Doherty family and the Rooney family, they are young couples who have never had a permanent pitch on a site since living independently and are currently travelling and living a roadside existence.
33. In summary, all of the families are in need of a permanent pitch. This carries great weight in favour of the proposal

The personal circumstances of the appellant and his wider family

34. The appellant has submitted school reports in relation to his 2 older children which show they are educated in a local school and medical letters in relation to one of his children also. I heard that one of the other children is attending regular medical appointments also. From these documents and what I heard at the Inquiry I am in no doubt that having a settled base would be of significant benefit to this family, and in particular their children. It would allow the children to receive ongoing education at the same school they have been attending since moving to the site and make friends at school too. It would also enable the children to receive consistent and regular medical treatment. For one of them at least this will be necessary until they reach adulthood, at least.
35. In terms of Kathleen Connors, she has a serious health condition. Her daughter Bridie O'Connor is her main carer, as she lives alone. Having a pitch on the site would enable her daughter to care for her and for her to live in a caravan which is her preference, as opposed to bricks and mortar accommodation. Moreover, it would allow her son to live with her as she would have additional support on hand to allow her to care for him. He would also be able to attend school locally.
36. Turning to Mr and Mrs Penfold, they have been previously granted temporary planning permission to live on this site. It is argued by the appellant that having a permanent pitch would help with this relationship and this is understandable. Moreover, it seems very unfortunate for them that they have been unable to live on the site in recent times due to an injunction which it seems was served on them partly as a result of some confusion about who had actually left the site permanently and who was away travelling. Indeed, the 2015 planning permission granted them planning permission to reside on the site until August next year. By now the Inspector dealing with the 2015 appeal case expected the Council to have an adopted plan containing gypsy and traveller sites and hence why a temporary planning permission was granted. That has not happened.
37. In terms of the other 2 families, no personal circumstances have been put forward to support their case, but clearly they are in need of a pitch on a site.
38. The weight to be attributed to individual families in the planning balance varies. The personal circumstances of the appellant and his family, as well as that of Kathleen Connors and her son carries significant weight in favour of the proposal. Mr and Mrs Penfold's personal circumstances carry moderate weight and those of the other 2 families limited weight.

Other matters

39. A number of other matters have been raised by local residents and the local Member. I shall deal with these in turn.
40. In terms of highway and pedestrian safety, the street already serves quite a number of dwellings. The road is wide enough to allow 2 cars to pass each other. There is a wide footway on either side of the road, although I saw when I visited the site that on the side closest to the existing dwellings cars park on the street and sometimes partly on the footpath. There is a sharp turn at the end of the road into the site, but the road here is wide enough for this to happen safely, even taking account of parked cars. I am satisfied that the traffic from 5 more dwellings would not be harmful in this regard.
41. Clearly when mobile homes are brought to the site there would need to be some give and take on the part of existing and new residents to ensure this happens smoothly, but this would be on a very infrequent basis. Touring caravans are likely to come and go on a more regular basis, but the families are likely to be used to towing such vehicles and the road is wide enough to accommodate them.
42. Environmental pollution from fires, litter and noise and external light pollution could be partly controlled by planning conditions and partly by other legislation. Foul and surface water disposal could also be dealt with by planning conditions, as could the landscaping of the site and this could help with the biodiversity of the site.
43. In terms of the effect on the character of the cemetery, the site would not be visible from the cemetery or vice versa. Normal comings and goings, so vehicles, or those towing touring caravans would be unlikely to affect mourners given the cemetery is set back behind a deep footpath and a solid rendered wall and the road is already used by a much larger number of residents than plan to reside at the appeal site. There may be times when static caravans are being brought to the site and there is a little more noise and disruption, but these are going to be few and far between. It is unlikely that residents of the site will overlook residents in the adjacent dwellings due to the site levels and their homes will be all single storey and screened by existing boundary treatments.

Whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development

44. As set out above, there would be harm to the Green Belt by reason of inappropriateness and in relation to openness and the purposes of including land in the Green Belt. However, this harm is tempered by virtue of the site's location on the edge of a built-up urban area, sandwiched between existing housing and a dual carriageway. Limited weight must also be ascribed to the intentional unauthorised development of this Green Belt site.
45. I have found that there would be no undue harm to the character and appearance of the area. This does not weigh in favour of the proposal, but merely has a neutral effect on the overall balance.
46. The need for gypsy and traveller sites carries great weight in favour of the appeal. The personal circumstances of two of the families (the O'Connors and

the Connors) carry significant weight in favour of the proposal. In particular, with these families, the best interests of the children, though not determinative, are a primary consideration which are at the forefront of my mind in considering the overall balance. With one other family the personal circumstances carry moderate weight and the other 2 families limited weight in favour of the proposal.

47. I have had due regard to the Public Sector Equality duty (PSED) in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Since the appeal is made for a gypsy site and the proposed occupiers are Irish travellers, they are persons who share a protected characteristic for the purposes of the PSED. Although it does not automatically follow that the appeal should succeed, the need for sites and lack of identified sites in the development plan may indicate inequality of housing opportunity for Irish travellers. The equality implications add weight to my overall conclusion that the appeal should be allowed.
48. Whilst none of the factors of the proposal individually outweigh the harm to the Green Belt the cumulative effect of that harm and the harm by reason of intentional unauthorised development in the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. The very limited progress which has been made by the Council in terms of identifying sites to meet the acknowledged need that has been known about for many years and the considerable time it is still going to take to allocate sites, the need for a pitch on a site, along with the personal circumstances of 3 of the families, lead me to conclude that a permanent personal planning permission should be given so as to secure a stable base for these families. In respect of the 2 remaining families they both have a need for a pitch, but their personal circumstances carry only limited weight and so taken together the other considerations do not clearly outweigh the harm to the Green Belt. However, an additional 2 pitches on this site would result in very little additional impact on the Green Belt and so I find that they too should be given a permanent personal planning permission, particularly since they are part of a family group. There is therefore no need to consider a temporary permission.
49. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be allowed.

Conditions

50. Draft planning conditions were submitted by the Council and discussed at the inquiry I have amended some of them slightly, in line with those discussions, for clarity.
51. Given the nature of the case and the weight attributed to personal circumstances of some of the occupants in the overall balance and a need for a pitch for all of the occupants the permission needs to be made personal and limited to gypsies and travellers.
52. The submitted plan shows only 3 touring caravans, but permission is sought for 5. A condition is necessary to provide clarity over what is approved.

53. In the interests of highway safety and to protect residential amenity I have imposed conditions that limit the size and number of commercial vehicles that can be parked at the appeal site and prevent the site being use for commercial activities.
54. Since works have already commenced on site a condition is necessary to ensure that various matters are approved and implemented in a timely manner such as the site layout, drainage, landscaping, ground levels, boundary treatments and external lighting on the site boundary. An additional condition is necessary to ensure the landscaping is maintained for a period of 5 years so it is able to become established.
55. Planning Practice Guidance advises against the removal of permitted development rights except in exceptional circumstances, however it is necessary here to control additional sheds, fences and structures in the sites, as well as additional external lighting given the site's location in the Green Belt and its proximity to other dwellings.
56. To protect residential amenity of existing residents I have imposed conditions to control the times at which any demolition of the existing buildings can take place and to prevent the use of generators which can be very noisy.

Louise Crosby

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Miss Megan Thomas of Counsel	Instructed by Law and Governance, Thurrock Council
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She called	
Mr Jonathan Keen	Principal Planner
Mr Richard Hatter	Strategic Planning Manager

FOR THE APPELLANT:

Mr Alan Masters of Counsel	Instructed by Brian Woods, WS Planning and Architecture
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He called	
Mr Brian Woods	WS Planning and Architecture
Mr Robert Petrow	Petrow Harley Landscape Architects
Mr John O'Connor	Appellant

INTERESTED PERSONS:

Cllr Robert Gledhill	Ward Councillor
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INQUIRY DOCUMENTS

- 1 The Council's opening submissions
- 2 DCLG Draft guidance to local housing authorities on the periodical review of housing needs – Caravans and Houseboats (March 2016)
- 3 End of year school report
- 4 Letters from Primary School and NHS
- 5 Cllr Gledhill's statement
- 6 Waiting list information for Council gypsy sites in Thurrock District

Schedule of Conditions

- 1) When the premises cease to be occupied by Mr John O'Connor and/or Mrs Bridie O'Connor and Mr Thomas Penfold and/or Mrs Pollyann Penfold and Ms Kathleen Connors and/or Jerry Connors and Mr Patrick Doherty and/or Mrs Mary Doherty and Mr Jim Rooney and/or Mrs Eileen Rooney, and their resident dependants, the use hereby permitted shall cease and all materials and equipment brought on to the site in connection with the use shall be removed and the land restored to its condition before the development took place.
- 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) Notwithstanding the submitted plans J003103/DD 03, there shall be no more than 5 pitches on the site, and no more than 5 single unit static caravans and 5 touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan sites Act 1968, as amended, stationed on the site at any one time.
- 4) No vehicle over 3.5 tonnes, shall be stationed, parked or stored on this site and there shall be a maximum of one commercial vehicle per pitch.
- 5) No commercial activities shall take place on the land, including the storage of materials.
- 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 3 months 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 'site development scheme' shall be submitted for:
 - a) The internal layout of the site, including the layout of caravans, vehicular access, parking and turning spaces within the site, amenity areas and refuse storage and collection areas;
 - b) the means of foul and surface water drainage of the site, and means of emptying the septic tank, if retained;
 - c) proposed and existing external lighting on the boundary of and within the site;
 - d) finished ground levels and all surfacing materials;
 - e) all proposed means of enclosure;
 - f) all hard and soft landscaping of the site, including tree, hedge and shrub planting with details of species, plant sizes and proposed numbers and densities;
 - g) the restoration of the site to its condition before the development took place, at the end of the period for which

planning permission is granted for the use, or the site is occupied by those permitted to do so, as appropriate (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) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if 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 site development scheme shall have been carried out and completed in accordance with the approved timetable.
 - v) Upon implementation of the approved site development scheme specified in this condition, that scheme shall thereafter be maintained/retained/remain in use.
 - vi) 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) At the same time as the site development scheme required by condition 6 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.
- 8) 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 sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans or those approved under condition 6 above 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.
- 9) 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), there shall be no means of external illumination other than that approved under condition 6 above unless details of it 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.

- 10) Demolition or construction works shall not take place outside 0800hrs and 1800hrs Monday to Friday, 0800hrs and 1300hrs on Saturdays or at any time on Sundays of public holidays.
- 11) No generators shall be used on the land.