



Appeal Decisions

Hearing Held on 14 August 2019

Site visit made on 14 August 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 7 October 2019

Appeal A: APP/E2205/W/18/3209012

Lot 3, Gilham Farm, Luckhurst Lane, Smarden TN27 8QW

- 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 Peter Hare against the decision of Ashford Borough Council.
 - The application Ref 17/01668/AS, dated 3 November 2017, was refused by notice dated 22 February 2018.
 - The development proposed is erection of no.4 loose box stables replacement for the stables previously approved APP/E2205/A/07/2035649.
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Appeal B: APP/E2205/W/18/3209011

Lot 3, Gilham Farm, Luckhurst Lane, Smarden TN27 8QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Peter Hare against Ashford Borough Council.
 - The application Ref 17/01729/AS, is dated 16 November 2017.
 - The development proposed is the use of land for the stationing of caravans for residential purposes together with additional hardstanding and dayroom ancillary to that use.
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Decision Appeal A

1. I allow the appeal and grant planning permission for erection of no.4 loose box stables at Lot 3, Gilham Farm, Luckhurst Lane, Smarden TN27 8QW in accordance with the terms of the application, Ref 17/01668/AS, dated 3 November 2017 subject to conditions 1) to 9) on the attached schedule.

Decision Appeal B

2. I allow the appeal and grant planning permission for the use of land for the stationing of caravans for residential purposes together with additional hardstanding and dayroom ancillary to that use at Lot 3, Gilham Farm, Luckhurst Lane, Smarden TN27 8QW in accordance with the terms of the application, Ref 17/01729/AS, dated 16 November 2017 subject to conditions 1) to 8) on the attached schedule.

Applications for Costs

3. At the Hearing applications for costs were made by Mr Peter Hare against Ashford Borough Council. These applications are the subject of separate Decisions.

Procedural Matters

4. The appellant had submitted a Statement and various documents on 9 August, shortly before the date set for the Hearing. Both the Borough Council and the Parish Council made representation at the opening of the Hearing as to the time allowed for them to consider, take advice and formulate responses to these submissions.
5. Whilst it would be expected in the 'failure' case, Appeal B, that once the Council's stance was known, further submissions from the appellant would be forthcoming, and whilst it is the fact that the Local Plan was adopted in February 2019 and updated submissions would be expected on this matter also, the receipt of such submissions so close to the date of the Hearing risked unfairness. It was agreed that the Hearing should proceed but with time allowed subsequently for formal written responses to be made, and for the appellant to have the final word, again in writing.
6. A draft Statement of Common Ground had been supplied by the appellant, and an agreed, signed version was made available at the Hearing. The Parish Council drew attention to them not being party to the agreement, and in particular the acceptance by the Council of the gypsy status of the appellant. Whilst planning permission can be applied for by, and may be granted to, persons who do not benefit from gypsy status in planning terms, conditions would be needed in any permanent, non-personal permission to ensure that the occupiers of the site do comply with the definition in Annex 1 of Planning Policy for Traveller Sites. Nevertheless, this matter was explored at the Hearing and remains one of the main issues in this Decision.
7. At the Hearing, the appeal for the stationing of caravans was referred to on the Agenda as Appeal A, whilst the appellant had identified this as Appeal 2. The stables were therefore Appeal B, referred to by the appellant as Appeal 1. On writing this Decision it was apparent that a more logical narrative would result from adopting the appellant's sequence so that the bullet points in the heading above now show the stables as Appeal A and the residential use as Appeal B.

Main Issues

8. In both Appeal A and Appeal B there is a main issue of;
 - The impact of the proposals on the character and appearance of the countryside, particularly the Haffenden Quarter Farmlands Low Weald Landscape Character Area.

In Appeal B only there are further main issues of;

- Whether the Appellant has gypsy status.
- The accommodation needs of the Appellant and his family and their personal circumstances.
- The general need for, and supply of, gypsy and traveller sites in the area.

Reasons

Policies and Preliminary Findings

9. The Refusal Notice for the determined application, for the stables, cited policies that have been superseded by the adoption of the Local Plan 2030. Policy SP1 sets out strategic objectives which include the conservation and enhancement of the natural environment, and to provide a mix of housing types and sizes including accommodation to meet the needs of the traveller community. Biodiversity is the subject of Policy ENV1 and proposals should, among other things, safeguard features of nature conservation interest. Policy ENV3a on landscape character and design outside of Areas of Outstanding Natural Beauty requires particular regard to be had to various aspects of the landscape character, proportionately according to the landscape significance of the site. Policy ENV4 concerns light pollution and promoting dark skies, while Policy ENV9 sets out requirements with regard to sustainable drainage.
10. Policy HOU16 is specific to the provision of traveller accommodation and states that planning permission for the expansion to existing sites or new sites to accommodate gypsy and traveller accommodation or accommodation for travelling showpeople, will only be permitted outside of allocated sites if 10 criteria are met. These will be considered in detail as appropriate to the main issues in this Decision. The supporting text provides background as to the need and provision to date, and that a Development Plan Document, yet to be adopted, would identify sites additional to the 3 pitches to be provided by Policies S43 and S44 of the Plan. To provide pitches in the period up to the adoption of the allocation document, the windfall Policy HOU16 is to be used.
11. The appellant expressed the view that Policy HOU16 is 'out of date' since criterion b), a requirement that the site would not accommodate more than 5 pitches or make an existing site exceed 5 pitches in size, was not in accordance with national policy. This requirement appears to stem from the supporting text at paragraph 6.121 that states that *'the 'windfall' policy.....sets out a threshold to provide for additional small sites in the borough. This approach is consistent with the approach set out in the PPTS (Paragraph 10d), which states that in producing Local Plans, Local Planning Authorities should relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density'*. This restriction does not appear to be related to any specific sites or the size and density of any particular surrounding population, as the wording of the national guidance.
12. Issue 7 in the Examining Inspector's Report was *'does the Local Plan make adequate provision for gypsy and traveller sites and is it consistent with national policy?'* and paragraph 80 specifically addressed the 5-site limit, finding that based on the local experience of the likely impact of larger sites in rural locations this is justified and there is no evidence that it would unduly fetter new sites as these tend to be small. It was concluded that subject to the changes identified the criteria are fair and will facilitate the traditional and nomadic life of travellers whilst respecting the interests of the settled community, a quote from paragraph 3 of Planning Policy for Traveller Sites. The Inspector further concluded that whilst not entirely consistent with national policy it makes adequate provision for gypsy and traveller sites as far as it can pending the completion of the separate Development Plan Document that is in progress. The appeal proposal is for a single pitch so that the restriction in the

policy does not 'bite' in this case anyway, but to find the policy out-of-date so soon after adoption and having mind to the findings of the Examining Inspector, would not be warranted.

13. The Council adopted the Supplementary Planning Document '*Stables, Arenas and Horse Related Development*' in October 2014 which states at paragraph 3.2 that stables '*should ideally be located close to the dwelling occupied by the person responsible for the care of the horses*' and goes on to reason that this helps to minimise the visual impact as well as provide security and care. Clearly such a statement of the *ideal* situation cannot be taken to rule out other acceptable locations that fulfil the same aims.
14. Planning Policy for Traveller Sites has already been referred to and Policy H sets out the considerations when determining planning applications, while the Glossary in Annex 1 contains the definition of a gypsy and traveller for the purposes on planning policy. National planning policy is contained in the 2019 revision to the National Planning Policy Framework, which includes guidance on housing provision, sustainable development and the 3 overarching objectives of the planning system in achieving such development.

Character and Appearance – Appeal A Stables

15. The reasons for refusal concerned security and welfare issues, through the stables being in what was considered an isolated location. The matter of a location close to the horse carer's dwelling being regarded as an 'ideal situation' has already been referred to. Of particular relevance in this consideration is Appeal Reference APP/E2205/A/07/2035649 of June 2007 which granted permission to build four stables, a hay barn and a feed room and to change the use of the site to the keeping and exercising of horses for private use. Changes were approved in Appeal Reference APP/E2205/A/11/2158877, that Inspector noting that the principle of the land use and of an associated stable block had already been established and this remains the case. Although the stables were erected and were referred to by another Inspector writing in 2016, they subsequently burnt down leaving only the concrete slab, prompting the present appeal application.
16. Notwithstanding the loss of the stables, the use of the land for the keeping and exercising of horses remains in place and is a use that is able to be continued. The provision of stables on a site where horses may be lawfully kept, regardless of its location relative to the carer's home, would assist the issues of security and welfare. Concerns raised with regard to the actions of previous owners of the land or carers of the horses are not planning matters, and the term 'keeping' differs from the term 'grazing' with regard for the need for grazing land of a particular quality.
17. Turning then to the question of the effect of the stables as now applied for, the Inspector writing in 2007 concluded that the proposal would not harm the character and appearance of the countryside and that there would be no conflict with the Development Plan policies cited regarding sustainability, countryside and landscape, and design and siting, nor would it harm the site's scientific or wildlife value. Whilst the Development Plan now includes the recently adopted Local Plan and the Supplementary Planning Guidance referred to has changed, the effect on the character and appearance of the area would not be harmful, and such buildings are an accepted feature of a rural

landscape. It is concluded that there is no reason to withhold permission for the stables in Appeal A.

18. Drawing 17_870_001 makes clear the extent of the red-edged land in respect of the stables application, with the wider field being shown as the extent of the blue-edged land. The evidence that has been supplied as to the use of an adjoining field known as 'Hillock Field' for horse exercise or grazing, apparently accessed through the appeal field, does not alter the status of the red-edged land or call into question the established lawful use of the blue and red-edged land for the keeping of horses, nor the grant of further permission for stables to be erected on the re-edged land.

Character and Appearance – Appeal B Residential Use

19. Here again there was a previous appeal, for use of land for a mobile home for a gypsy family, extending the hard surface and siting of a dayroom, and this was dismissed in January 2016 (Ref: APP/E2205/W/15/3017908). The Inspector found the then appellant not to have proved gypsy status but concluded that even if that had been the case, the significant harm that would be caused to the countryside would outweigh any other matters pertaining to the appellant's circumstances, including the lack of a five-year supply of sites for gypsies and travellers. The Inspector had considered whether a personal permission and/or a temporary permission would be appropriate but concluded that given the appellant's lack of gypsy status neither of these options would have been appropriate.
20. It is noted that the layout and location of the then proposed mobile home and dayroom within the site differed from that now proposed, being to the south of the stables and along the boundary hedge with the lane. But, on reading the Decision, the degree to which the detailed siting of the proposal affected the landscape character and appearance and the countryside appears to be a minor part of an overriding objection to a scheme that would have substantially increased the amount of development on the site and was considered to introduce features that would be out of keeping with the unspoilt countryside.
21. The present appellant explained the rationale for the location now proposed, being to the east of the stables, and more into the centre of the field, said to form an attractive 'courtyard' aesthetic of the residential uses and the stables as a group. That rationale is predicated on the stables being erected and retained, which appears highly likely, but would risk making the residential uses and any paraphernalia associated with it, more obvious to casual view through the site entry, and similar findings as expressed by the Inspector in 2016 remain, that whilst a stables block is a feature that one would expect to see in the rural landscape, and that is part of the reasoning in the current Appeal A, the mobile home and dayroom, along with the inevitable items associated with a residential use would be visually incongruous within this rural area causing harm to the character and appearance of the site and the wider countryside.
22. Policy HOU16 contains criteria h), i) and j) which are relevant to the considerations in this main issue;
- h) Proposals incorporate a landscape strategy, which will be required by use of planning conditions, where mitigation of the impact on the landscape is necessary to protect the quality of the surrounding landscape: This criterion*

could be partly met through the use of conditions, although landscaping could not fully mitigate the adverse impact and would risk introducing features that further break-up the field pattern that is a feature of the landscape.

i) The scale and siting of the site, along with its design, layout and any boundary treatments, should take into account the key characteristics of Landscape Character Area within which it is located: The site is within the Haffenden Quarter Farmlands Low Weald Landscape Character Area, and one of the features identified by the Council is farms supporting a complex of buildings, which could be considered as the basis for the 'courtyard' layout. However, the projection of the residential use into the field would disrupt the pattern of enclosure and appear contrived, taking poor account of the key characteristics identified.

j) New sites or enlargement of existing sites are of a scale appropriate to their surroundings and would not individually or cumulatively dominate the nearest settled community, cause significant visual harm to an area and its landscape, or unduly impact on the capacity of local services: The scale of the proposed provision is acceptable and in line with criterion b) of being less than 5 pitches, and this would not have an adverse effect on the nearest settled community. Figures were produced of the numbers of pitches within the area and concern expressed over the numbers of occupiers in comparison with those of the settled community, but a tour of the area did not reveal real harm resulting, and one further pitch would not contravene this criterion. There would however, for the reasons stated and in line with the findings of the previous Inspector, be significant visual harm to the landscape character and appearance of the area.

23. The proposal would therefore be contrary to Policy SP1 in failing to conserve the natural environment and Policy ENV3a on the effect on the landscape character of the area, as well as not according with criteria in Policy HOU16 on gypsy and traveller accommodation. The environmental objective in paragraph 8 of the Framework to contribute to protecting the natural environment would not be met. Due regard has been had to the protection of the local environment as required by paragraph 4k of Planning Policy for Traveller Sites, and real harm has been identified.

Gypsy Status

24. The appellant in this case is not the one considered by the Inspector in 2016, and although he visits horse fairs, trading in horses is not his sole means of income. Nevertheless, attendance at such fairs and trading as the opportunity presents itself rather than as a pre-arranged transaction is part of a nomadic gypsy way of life. It was explained that the restrictions on cold-calling have limited the opportunity for finding work by travelling around neighbourhoods in this country, but those restriction do not apply in France and the opportunity has been taken to travel for work there. Building and roofing work is however found by leafleting and collaborating with other travellers. The witness Statement provides some information which was supplemented with the answers to questions at the Hearing. It is reasonable that his spouse and children do not accompany him at all times, having mind to the need for schooling.
25. Whilst there is a lack of corroborative paperwork, it is entirely likely that a living could be earned from the pattern of travel and work described, and that

differentiates this case from that in 2016. Having regard to the present legal restrictions and the definition in Annex 1, it is concluded that the appellant does have a nomadic habit of life, being away from home travelling in search of work. That finding concurs with the view of the Council as agreed in the signed Statement of Common Ground.

The Accommodation Needs of the Appellant and his Family and their Personal Circumstances

26. The appellant provided details of their past living arrangements, the medical and schooling situation, and the need for a settled base. They do not have a lawful site at present, but on the advice of their agent, have not taken up occupation of the appeal site which they own. Although the present arrangement of living with a relative is not covered by a planning permission, being there has allowed access to a medical practice and schooling that would not be available should the family have to resort to roadside living, indicating the value of a settled base to their health and the wellbeing of the children.
27. On the matter of education, the best interest of the children would be served by such a settled base, and this is a primary consideration. The appellant stated that whilst it is hoped that the children could all be accommodated at the school in Smarden, the intended move would not preclude continued attendance at their present school if that was the best outcome. Either way, it is not possible to be sure of continued education while living on an unlawful site and certainly not if the family had to resort to roadside living.
28. Having mind to the agreed lack of a 5-year supply of sites and the family's present living arrangements, there is no suitable, available, affordable and acceptable alternative site for the appellant and the risk of the family having to resort to roadside living is very real. As a result, the conclusion is that substantial weight attaches to the personal circumstances of the family.

The General Need for, and Supply of, Gypsy and Traveller Sites in the Area

29. It is accepted that the Council are unable to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets as required in paragraph 10a of Planning Policy for Traveller Sites. In addition, the appellant has cast some doubt over the contents of the August 2018 '*Gypsy and Traveller and Travelling Showpeople Accommodation Assessment*'. Certainly the 'bottom line' of Table 4.5 which appears to indicate a reasonable correlation between the numbers of pitches and the numbers of households results from some cases of there being more households than pitches and some vacant pitches with no household presently in occupation. The former cases could represent unacceptable overcrowding or unlawful 'doubling-up', while the latter should not be taken to indicate availability for any traveller family as the pitch may be being kept for future emerging households within a family.
30. The Examining Inspector saw the need for Policy HOU16 pending the adoption of a Development Plan Document which would allocate sites, as the progress of that Document had been de-coupled from the progress of the Local Plan. The Council gave an estimate of the progress towards adoption with a call-for-sites having taken place. The appellant's estimate of 4 years before sites become available does not appear to be unduly pessimistic.

31. To conclude, there is an identified need which is not able to be supplied by specific deliverable sites, and reliance on a windfall policy in the interim. As stated in paragraph 27 of Planning Policy for Traveller Sites, this should be a significant material consideration in any decision when considering applications for the grant of temporary planning permission, although the current appeal does not result from such an application and the statement does not preclude this lack being a material consideration in favour of a permanent permission.

Other Matters

32. In addition to the matters raised by the Council, Policy HOU16 contains other criteria, some of which relate to concerns expressed by the Parish Council and others, and they will be considered in full now;
- a) The proposals cannot be accommodated on an existing available site or allocated site:* The options open to the appellant have been considered, such that this criterion is met.
- b) The site would not accommodate more than 5 pitches or make an existing site exceed 5 pitches in size:* This criterion is met.
- c) The site would provide a good living environment free from the risk of flooding and risks to health through contamination, noise or pollution:* This criterion is met with the location of the proposed mobile home being at a level above the lowest level of the field.
- d) Local services and facilities – such as shops, public transport, schools, can be readily accessed from the site:* The Council confirmed their acceptance of the location in this respect, and whilst Smarden has a limited range of facilities, the site is not so isolated as to cause harm. The appellant would be travelling to the site on a regular basis to attend to the needs of the horses that are lawfully kept on the site in any event.
- e) The site is capable of being provided with on-site services such as water supply, sewage disposal and power supply:* This criterion can be met including by the use of conditions.
- f) The form and extent of the accommodation does not adversely affect the visual or other essential qualities of the AONB and its setting, SSSI, Ancient woodland, international, national or local nature reserve or wildlife site:* Much of this criterion is not applicable, and the no harm has been identified.
- g) Access to the site which does not endanger highway safety for vehicles and pedestrians can be provided:* This criterion is met with an existing site entry that complies with the 5m and inward-opening gate requirements. There have been concerns expressed over a possible increase in use of narrow lanes, but the lawful use of the site for the keeping of horses would, without residential use, result in regular visits and the addition of residential use would not be likely to increase the passage of horse boxes and the like.
33. To conclude, the proposal has been found not to comply with criteria i) and j) of Policy HOU16 on the landscape effect, and the fact that other criteria can be satisfied does not assist as all criteria are to be met.

Planning Balance

34. Although the invitation to find Local Plan Policy HOU16 out-of-date has been resisted, the lack of a 5 year supply of sites does mean that paragraph 11d of the Framework is engaged, requiring a grant of permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
35. The conclusions earlier in this Decision are that significant visual harm would be caused to the landscape character and appearance of the area and as a result the proposal would not accord with Policy HOU16 which is specific to the provision of traveller sites. This harm, on a permanent basis, would significantly outweigh the benefits of a residential presence for the care of the horses kept on the land and in the stables, the likely reduction in visits required, and the benefit a settled base including recognition of the best interests of the children. As a result, the grant of a permanent permission cannot be justified, and that finding applies even if the permission were to be made personal to the appellant and his family in recognition of their circumstances.
36. However, the balance changes when consideration is given to a temporary permission, as the harm would be over a shorter, pre-determined period and the land would be capable of being returned to its former condition. The Courts have held that temporary, reversible harm should be afforded less weight than permanent harm. In this case conditions could ensure that the land was returned to its former condition at the end of the temporary period so that no lasting harm to the character and appearance of the area would occur.
37. In that new balance, the weight attaching to the visual harm reduces such that the adverse impacts of granting permission do not significantly outweigh the benefits, and the presumption in favour of sustainable development in paragraph 11 of the Framework prevails. This finding is in-line with the statement in paragraph 27 of Planning Policy for Traveller Sites on the use of temporary permissions.
38. This conclusion is reached having full regard to the circumstances of the appellant and his family, and in particular, the best interest of the children. It would therefore be essential that any permission be not only temporary but should be personal to the appellant and his family.
39. The grant of a temporary permission would not have a disproportionate effect on the Human Rights of either the family or the settled population but is a reasonable balance between the two. The best interests of the children of a settled, albeit temporary, home would be met, in recognition of their and their parents' present living conditions, and the requirements of the Public Sector Equality Duty would also be met.
40. The main reason for granting a temporary permission is the lack of a 5-year supply of sites, with the personal circumstances of the appellant and his family and their present living arrangements being a further concern. A period of 4 years from the date of this Decision would provide time for the Council to rectify the supply situation and for sites to begin to become available, whilst providing a period of stability for the family.

Conditions

Appeal A Stables

41. The conditions suggested by the Council are similar in their aims to those previously attached to the 2007 permission, and which persist with regard to the larger area of land. The condition on this being only for private use should acknowledge the small-scale business of selling horses, although this is not the appellant's sole means on income. An additional condition as attached previously is required to prevent overnight parking but should acknowledge the residential use in Appeal B that has been found acceptable, albeit over a temporary period only. It would be unreasonable to prevent overnight parking at the stables while that use persisted. A condition naming the 'as proposed' drawings is required for the avoidance of doubt.

Appeal B Residential Use

42. In addition to the standard conditions of the time limit for commencement and naming the drawings, the conclusions of this Decision that only a temporary, personal permission is justified lead to a need for these provisions to be secured by conditions, and provision should be made for reinstatement of the land at the end of the temporary period. There would therefore be no need for a gypsy-occupation condition.
43. The red-line site is closely drawn and there would be no need for a condition limiting the extent of garden, as planning permission would be required to change the use of land outside the red-line. A landscaping condition is justified and should be linked to first occupation of the land, but discharge of that condition should acknowledge the temporary nature of the use and not seek to establish features that would give the impression of a permanent use. The protection of existing hedges and trees should be in this landscaping scheme.
44. It is reasonable to attach conditions on foul drainage, the size of vehicles and on commercial activities, whilst external lighting should be only that for which prior approval has been granted. There is no need for the suggested conditions on the use of the amenity building as a separate permission would be needed; on the removal of permitted development rights as there is an Article 4 Direction on the site; on parking in view of the small area of the site covered by any condition; and on the entrance gate as that is already in position.

Conclusions

45. Stables have been permitted on the land previously and the planning use for the keeping of horses persists unaltered by the loss of the stables as built. There is no reason to withhold permission for replacement stables notwithstanding intervening changes to policy.
46. The residential use would cause harm to the character and appearance of the area, being in a more prominent position than previously considered and dismissed at appeal, and this would be contrary to Policy HOU16 which is specific to the provision of gypsy and traveller sites. The Inspector who dismissed the previous appeal found the harm not to be outweighed by the lack of a 5-year supply of sites and was not able to consider a temporary and/or personal permission as the then appellant had not been found to have gypsy status in planning terms.

47. The current appellant has been found to be a gypsy as defined for planning purposes and in the balance that this conclusion allows, a temporary personal permission is granted, long enough for the Council to identify a supply of sites and for them to begin to become available.
48. For the reasons given above it is concluded that both appeals should be allowed, that in Appeal A for the stables being for permanent permission whilst that in Appeal B for the residential use should be for a temporary period only and personal to the appellant and his family.

S J Papworth

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

L Payne	Ashford Borough Council
P Howson	Ashford Borough Council

FOR THE APPELLANT:

M Green	Green Planning Studio
P & J Hare	Appellant

INTERESTED PERSONS:

J Aylott	Chair Smarden Parish Council
H Teare	Vice Chair Smarden Parish Council
A Jones	Resident assisting the Parish Council's case and on behalf of other residents, some of whom also spoke

DOCUMENTS

Document	1	Updated Witness Statement submitted by appellant
Document	2	Statement of Common Ground signed by appellant and Council
Document	3	Site Layout for 2016 Appeal (Ref: APP/E2205/W/15/3017908)
Document	4	Agreement to pre-commencement condition as required by section 100ZA of the 1990 Act
Document	5	Bundle of updated documents from Council: Costs Rebuttal, GTAA Methodology, Inspector's Report on the Local Plan Policy HOU16 and Previous Inspector's Decision
Document	6	Bundle of updated documents from Smarden Parish Council; Response to update of Appeal Statement and Appendices A – E, and letter to Planning Inspectorate from Vice Chairperson
Document	7	Appellant's Final Costs Response
Document	8	Appellant's Final Appeal Response

SCHEDULE OF CONDITIONS – APPEAL A, STABLES

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the Following approved plans; 17_870_001, 002, 003 and 004.
- 3) Written details including source/manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using only the approved external materials.
- 4) Prior to the first use of the stables hereby permitted, details of where and how manure is to be stored and ultimately disposed of together with the disposal of any liquid waste shall be submitted to and approved in writing by the Local Planning Authority. Once the use commences, this shall be carried out in accordance with the approved details. No manure or waste materials shall be burned upon the land within the application site.
- 5) No more than 4 horses are to be kept on the site at any one time without the prior written agreement of the Local Planning Authority.
- 6) No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.
- 7) The stables hereby permitted shall be used for private equestrian purposes only and not for any commercial riding, livery or other commercial use other than the keeping of horses for sale by Mr Peter Hare or his resident family.
- 8) There shall be no storage on the site other than within a building or in accordance with the scheme approved pursuant to condition 4) above.
- 9) There shall be no overnight parking at the stables other than that associated with the residential use permitted under Appeal Reference APP/E2205/W/18/3209011, and for only so long as that residential use remains on the land the subject of that permission.

SCHEDULE OF CONDITIONS – APPEAL B, RESIDENTIAL USE

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans; 17_870A_001, 003 and 004
- 3) The use hereby permitted shall be carried on only by the following: Peter and Jolene Hare and their resident dependants, and shall be for a limited period being the period of 4 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
- 4) When the premises cease to be occupied those named in condition 3) above, or at the end of 4 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and

equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.

- 5) The site shall not be occupied until a landscaping scheme for the site, including a scheme for the retention of existing hedgerows and trees shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of first occupation of the site. Any trees or other plants which within a period of 2 years (or such shorter period resulting from the provisions of condition 4) above) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.
- 6) Details of the works for the disposal of sewage on the site to serve the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details prior to the first occupation of the mobile home and retained operative for the lifetime of the permitted use.
- 10) No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 8) No commercial activities shall take place on the land, including the storage of materials.