



Appeal Decision

Hearing Held on 1 October 2019

Site visit made on 1 October 2019

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2019

Appeal Ref: APP/U2235/W/18/3209405

Chart Hill Paddock, Chart Hill Road, Chart Sutton, Staplehurst, Kent TN21 0DE

- 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 John Johnson against the decision of Maidstone Borough Council.
 - The application Ref: 15/505138/FULL, dated 18 June 2015, was refused by notice dated 20 February 2018.
 - The development proposed is: Change of use of land to gypsy caravan site to extend existing site to accommodate stationing of 5 additional static caravans, including laying of hardstanding, landscaping and erection of a day room.
-

Decision

1. The appeal is allowed in part and permission is given for no more than three static caravans, and no more than two touring caravans on land at Chart Hill Paddock, Chart Hill Road, Chart Sutton, Staplehurst Kent TN21 0DE in accordance with the terms of the application Ref: 15/505138/FULL, dated 18 June 2015, subject to the terms of the conditions listed in the schedule following this decision.

Procedural Matters

2. There was discussion at the hearing to clarify the intention of the application. The application form refers to mobile homes but the appeal statement refers to the provision of up to five static caravans. These would be let in the short term to occupiers with gypsy status and in the longer term, for each of the family's five children and in the fulness of time, their own families.
3. The appellant confirmed that the application is for five caravans, not five pitches. This, it is reasoned, is because in each scenario the caravans would be occupied by family members who would share the site's amenities. I have therefore changed the description of development in the heading above as this more accurately describes the development.
4. Although it seemed to me, and to the Council, that this could be construed as two separate applications, it was agreed by the parties that the appeal should consider the application as submitted. The application therefore comprises an application for five static caravans for occupiers meeting the planning criteria for gypsies and travellers. Should that application fail, consideration is to be given to an application for five static caravans for personal occupancy.

Although the applications are for permanent permission, temporary permissions would be acceptable to the appellant.

5. The Council has confirmed that Policy PW2 of the Staplehurst Neighbourhood Plan was cited in error. Consequently, I have made no further reference to it.
6. Since the application was submitted, two of the five children on the site have reached the age of 16. This has altered the arguments put forward at application stage to some extent, and I have found it appropriate to consider the situation at the time of the appeal.

Main Issues

7. The main issues are:

- Whether the appellant has gypsy status as defined in Annex 1 of Planning Policy for Traveller Sites (PPPTS);
- The effect of the development on the character and appearance of the area;
- Whether the Council has made sufficient provision for gypsy and traveller sites in accordance with local policies and national guidance; and,
- Whether there is overriding need for the development, with regard to personal circumstances, Equality and Race Relations Legislation, the human rights balance and the best interests of children.

Reasons

Planning background

8. The L- shaped appeal site, as defined by the red line on the site plan, has permission for *one mobile home and one caravan*¹ in the southernmost portion of the site, adjacent to an existing barn structure, and *no more than two caravans, of which no more than one shall be a static caravan or mobile home*², situated midway between the first permission and the road.
9. At my visit I noticed that the two static caravans with permission appear to have been clad, have pitched roofs and one has a stone chimney structure on a gable end. They have the appearance of large residential park homes and one appears to be longer than the 20 metres set out in the definition for a static caravan³. These two caravans provide accommodation for the appellant's family and his parents, respectively. There are also two detached and modest structures at each side of the northernmost static caravan which appear to be living accommodation. One is labelled on the site layout as a stable, the other is not shown.
10. There is also a third static caravan on the site, located parallel and close to the barn, which is used as a dwelling for the appellant's sister and child. One mobile caravan was also pointed out to me, and I noticed stable buildings, one of which, located to the north of the site, is fairly extensive.

¹ T/APP/C/95/U2235/636890 and T/APP/C/95/U2235/636918

² APP/U2235/A/10/2125855

³ Caravan Sites and Control of Development Act 1960

11. The site plan for this appeal fails to show the actual extent, dimensions or positions of the existing structures I observed on the site. Some structures are omitted and others appear to be incorrectly labelled. The appellant argued that he had not seen the plan before the hearing, but it remains that proper consideration of the application and the appeal relies on accurate information. Although this appeal is not concerned with the lawfulness of the existing use of the site, the extent and spread of the existing development is relevant to my reasoning. No explanation for these discrepancies was given.
12. Although there is inconsistency between the size of the proposed dayroom shown on the layout and that building's floor plan and elevations, I satisfied myself at the visit that this building could be accommodated in the area shown.
13. The Council noted during the hearing that there is nothing in the site's planning history to suggest that conditions attached to the previous permissions have been discharged.

Gypsy status

14. The Council does not dispute the appellant's gypsy status. Although there appears to be a vehicle repair business operating on the site, having asked some questions in respect of the appellant's lifestyle, I concluded that there is nothing before me to lead me to conclude that the appellant does not lead an itinerant life. It is also apparent that the site's planning history dates back about 25 years and that the site now houses three generations of the same family.

Policy background

15. Policy DM15 of the Local Plan (LP)⁴ sets out criteria to assess the suitability of sites for gypsy accommodation. These criteria include accessibility to schools and local facilities, the impact on the character and appearance of the area, safe access, and absence of flood risk and ecological harm. The only criterion given as a reason for refusal is with regard to character and appearance.
16. Although not cited as a reason for refusal, it has been suggested that the site is not in a sustainable location. However, it is about 2 miles from the town of Staplehurst which is where three children attend school. Gypsy sites tend to be located outside settlements and this does not seem to me to be a particularly long distance to access schools or town centre amenities. Moreover, the Council was unable to confirm that the current allocated gypsy sites are located within 2 miles of similar amenities. As such, I do not find harm in relation to access to amenities.

Character and appearance

17. Chart Hill Road is a long and sometimes winding lane that links Chart Sutton with the main road leading to Staplehurst. Dwellings and farm or horticultural buildings are located intermittently along the lane and are generally well screened by mature vegetation.
18. The site lies within the Beult Valley designation of the Low Weald⁵ Landscape Character Assessment (LCA). The Low Weald is defined as a landscape of local value within the Local Plan. The LCA lists the key characteristics of the area as

⁴ Maidstone Borough Local Plan, adopted October 2017

⁵ Maidstone Landscape Character Assessment, Jacobs

including a low lying broad shallow valley, species rich native hedgerows, mixed agricultural use and small riverside fields with pasture. This accorded with my observations and notwithstanding the regularity of the dispersed settlement, the area has a strong rural character. The summary concludes that the area has moderate condition and high sensitivity to change, leading to an overall LCA guideline of *Conserve and Restore*.

19. The lane is lined with semi-natural vegetation which limits visibility into most roadside plots. However, in this case although the existing structures are set back from the road, they are very visible from the site entrance beyond the drive and the paddock. Moreover, the combination of features such as the formal gate surround, clipped laurel hedges and period style lamp columns draws attention to the site's presence and appears out of keeping with the informality of the lane.
20. The development would locate five static caravans and associated hardstanding on the paddock immediately to the east of the drive, as well as an amenity building in the south-eastern corner of the site. It is argued by the appellant that the caravans would be screened from the road. The layout shows that the proposed woodland and hedgerow could screen views of the development from the lane and the site entrance to a significant extent.
21. However, static caravans can lawfully be about 20 metres in length. The caravans shown on the layout are some 10 metres long. Five full size static caravans would not fit on the hatched area shown unless the woodland island between the drive and the hardstanding was removed. Moreover, it appears full size static caravans would not have the separation required by fire regulations. Even if the caravans were of the size shown, it seems to me that the woodland island would limit accessibility and manoeuvrability when getting them into position. In any case, it seems to me that smaller caravans would not provide long term family accommodation which is one of the premises upon which this appeal is based.
22. Moreover, although the proposed southern extent of the hardstanding appears to accord with the northern extent of development allowed in 1995, the existing southernmost static caravan appears to encroach beyond this boundary. This further reduces the area available for the five caravans and associated screening. Although it was argued at the site visit that this static caravan could be moved, given that it had also been stated that the lawful static caravans had been brick faced, I give this argument limited weight.
23. In any case, even if it could be readily moved it is difficult to see to where it could be relocated. The proposed dayroom would occupy all the space to its immediate south, and other structures, including the third static caravan and existing parking and turning areas, severely limit other available options.
24. Furthermore, it appears from the evidence before me that from time to time the appellant stores large commercial vehicles on site. Although the existing hardstanding was largely free of vehicles at the site visit, the evidence before me suggests that there will be periods when there are many more vehicles on site. In the past some of these have been parked on the area now identified for the site's expansion. This raises further concerns that the proposed layout could not function satisfactorily.

25. Consequently, I conclude that either the extent of development would exceed the area shown, and/or that there would be insufficient space for screening. Even if contained and screened as shown on the layout, the development would lead to significant urbanisation within and beyond the existing extents of development, and an intrusion into this rural setting. This would neither conserve nor restore this locally valued landscape.
26. My conclusion in this regard is reinforced by the Council's two previous considerations of the site for further allocations. On each occasion it was concluded that further expansion would result in harm to the character and appearance of the area.
27. In addition, the previous appeal, although allowed, found material harm in relation to the character and appearance of the area. With each expansion of the site, the degree of intrusion into the rural setting increases. It appears to me that the degree of harm to the landscape is proportionate with the extent of development.
28. Moreover, LP Policy DM15 notes that additional planting should not be the sole means of mitigating the impact of a development, which will be assessed with particular regard to the cumulative effect of the expansion of existing lawful caravans. In this case the site has already expanded since the first permission. It is also apparent from the evidence before me that the family foresees that each of the five children would raise their own family on the site, which could result in a significant increase in the use of this site over time.
29. Furthermore, PPTS⁶ states that councils should very strictly limit new traveller site development in open countryside. There is nothing before me to suggest that this guidance should not apply to the expansion of existing sites.
30. I appreciate that a Site Development Scheme (SDS) could be submitted if the appeal was allowed. This would allow the Council to exercise further control over the development and allow the submission of amended plans. However, given that this is a sensitive and locally valued rural landscape it seems to me to be rather important that my decision is based on a more precise understanding of the development and its likely implications, than that provided at application or appeal.
31. I appreciate the appellant's point that the proportion of land protected by one designation or another limits land availability for gypsy sites. These, by their nature, will invariably cause some harm to rural settings. The weight to be given to this argument is considered further in the planning balance.
32. In the light of the above, I conclude that this development would represent a significant increase in development on the site and notwithstanding that views into the site are limited and localised, it would have an adverse effect on the character and appearance of this locally valued landscape. In any case, an absence of visual impact does not automatically lead to an absence of harm to landscape character. I give this harm moderate weight.
33. This would be contrary to LP Policy DM15 insofar as this is concerned with the impact of windfall sites on the character and appearance of an area, as well as LP Policy DM3 which is concerned with the protection of positive landscape character. It would also be contrary to LP Policies SS1 and SP17 which taken

⁶ Planning Policy for Traveller Sites, August 2015

together, require development in the countryside to accord with other local policies, and to conserve and enhance the distinctive Low Weald landscape, amongst other considerations. I also find there would be harm in relation to LP Policy DM30, part of which requires the mass and scale of development to maintain or enhance local distinctiveness.

Provision for gypsy and traveller sites

34. The Council's 2017 Local Plan relies on information provided by a needs survey undertaken in 2012. I can appreciate the argument advanced by the appellant that this may be out of date. However, it was accepted during the Local Plan examination and consequently provides a starting point for provision. Moreover, since the adoption of the Local Plan, more pitches have been permitted than is required over that Plan's lifetime. This could be interpreted as evidence that the needs survey considerably underestimated the need for pitches, or conversely, that pitch provision has significantly exceeded what is required under the Local Plan. The evidence before me in this regard is inconclusive.
35. In any case, there is nothing before me to suggest that the Council sees the Local Plan provision as a ceiling and 22 pitches have received approval since April 2019. The Council also considers windfall applications on their merits.
36. Although the recent caravan count suggests that there are some 200 caravans on unauthorised sites in the Council's area it is difficult to know how this figure translates into actual unmet need. Moreover, it appears that there is considerable inward migration from London. It seems logical to presume that there will always be pressure for more sites, particularly where permissions are well ahead of the requirements set out in the Local Plan, as is the case here.
37. The evidence before me suggests if windfall and allocated sites currently occupied unlawfully are omitted from the supply calculation, the Council has about 4.5 years pitch supply. However, windfall sites have come forward at about 17 per year since 2011 and there is nothing before me to suggest that they will not continue to come forward at a similar rate. Although the 5 year supply figures are based on the rolling provision set out in the Local Plan, the rate of provision since 2017 whether achieved through appeal decisions or not, has been greatly in excess of what is required or expected. Furthermore, no evidence was put to me to suggest that the unoccupied allocations are not deliverable.
38. I appreciate that as recently as July 2019 an Inspector concluded that the Council did not have a 5 year supply of deliverable pitches, but I am unclear what information was before that Inspector and I have to determine this appeal on its own merits. Although the 5 year supply relies on continued windfall provision, I see no reason not to include this in the figures. Moreover, the inclusion of unlawfully occupied allocated sites in this calculation, irrespective of windfall sites, would also raise the figure to above 5 years supply.
39. In any case, even if I concluded that there was an unmet need for pitches, I have reservations that what has been proposed would meet that need. The appellant has applied for static caravans only, on the premise that they would be let to family members who would share other site amenities. However, no names have been put forward other than those of the site's children. If

permission was given on this basis the sole criteria for occupancy would be that occupiers met the general gypsy status requirements.

40. Moreover, those permissions would run with the land. It cannot be presumed that at some point those occupiers would not need to accommodate mobile caravans as well as space for the parking of other vehicles. It is unclear how the proposed layout could accommodate those additional spatial demands given the existing residential and commercial use of the site. What is proposed falls some way short of what I would consider an appropriate and sustainable provision for five general gypsy pitches.
41. In the light of the above, I conclude that the Council has made sufficient provision for gypsy and traveller sites in accordance with national guidance and local policies. Moreover, even if allowed the development would make a limited contribution to the wider provision of general gypsy sites.

Overriding need

42. It remains for me to consider whether there is an overriding need for this development, and whether this would outweigh the harm identified above in relation to the character and appearance of the area.
43. Article 3 of the UNCRC⁷ requires the best interests of children to be a primary consideration in decision making. Two of the original application's five children should now be considered young adults. The other three children have a permanent home and attend school in Staplehurst. If the appeal is dismissed these children would not be homeless and nor would their education be disrupted. In this regard the provisions set out under the UNCRC would not be breached as there would not be any adverse impact on the best interests of the children at this time.
44. Furthermore, there is nothing before me to indicate that the Council will set a ceiling on the provision of pitches. As such, I give little weight to the appellant's argument that family pitch provision needs to be made before the Council reaches its target. The needs survey and the Local Plan are being reviewed, and there has been a call for additional gypsy and traveller sites. It seems premature to require caravans for children still attending school.
45. Moreover, whilst I appreciate that the caravans could be used by the site's children to give them extra living space, this argument is inconsistent with the part of the application concerned with general gypsy occupancy. Moreover, my suggestion that the expansion could be staggered was not seen as a reasonable proposition. It was confirmed by the appellant that all five caravans would be stationed and occupied straightaway.
46. Article 8 of the ECHR⁸ is concerned with the right to respect for private and family life and for the home. There is an expectation that signatories to the ECHR will positively facilitate the gypsy way of life, which is based on familial ties and support. I also acknowledge that gypsy children are likely to live independently from an earlier age compared with children in settled communities.

⁷ United Nations Convention on Human Rights

⁸ European Convention on Human Rights

47. It is argued that the refusal to allow this development would render the two new adults homeless as they would not have access to a static caravan. Moreover, one is shortly to be married. However, whilst I appreciate the wish to be independent, it is not entirely clear why these adults would be homeless, given that they currently live in lawful homes on the site.
48. However, I appreciate that that gypsy culture is predicated upon family life and that is in part what PPTS seeks facilitate. If the appeal is dismissed these two adults would be unable to set up independent homes within the familial site, which would amount to some interference with their rights to family life. I give this harm minor to moderate weight.

Other matters

49. It is argued that the appellant could have stationed the additional caravans without permission. However, this argument carries no weight in the appeal.
50. Arguments were put to me that nearby farms have built accommodation for migrant workers, and that there are other developments in the area. However, I do not have the details of those applications before me to determine whether they are directly comparable to what is before me. Moreover, the housing development I noticed on the northern edge of Staplehurst was contiguous with the existing building pattern.
51. I appreciate that sites with park homes can be found in rural settings, but this does not necessarily weigh in favour of this appeal which is considered on its own merits. In any case, park homes do not generally coexist with commercial or equestrian activities.
52. Other issues have been raised by interested parties but as I have found harm in relation to the main issues it is not necessary for me to consider these further.

Planning balance and conclusion

53. I have found harm in relation to the development's impact on the character and appearance of the locally valued Low Weald landscape. Whilst I appreciate the cultural requirements of the gypsy lifestyle, the weight given to personal circumstances and the human rights balance has been considered against relevant local policies which seek to conserve and restore this landscape. Moreover, the application itself is imprecise and the arguments advanced are ambiguous and inconsistent. There appears to be more living accommodation on the site than shown on the site layout and this lack of clarity does not assist my reasoning or give weight to the appellant's arguments.
54. An increase from two to seven lawful households on this site would be a significant expansion of the existing development. Moreover, the design and access statement makes it apparent that it is foreseen and indeed intended, that the five children would have families of their own on this site. Notwithstanding that circumstances could change, and the children might pursue alternative lifestyles, I conclude that the development proposed would represent a significant concentration of population and development. Five additional households, in the fulness of time, could represent a considerable number of people with attendant domestic paraphernalia, noise and disturbance, and associated vehicle movements on top of the existing commercial activities.

55. This would not respect the scale of the nearest settled community insofar as this is scattered and dispersed across this rural landscape. This in itself would be contrary to the provisions of Paragraph 25 of PPTS, in addition to those local policies concerned with the protection of the countryside.
56. There is nothing before me to suggest an essential need to live on the site for the two youngest adults, other than for reasons of proximity to their extended family. However, I am mindful that for these two young adults there has been considerable uncertainty surrounding future living arrangements as the application was submitted more than four years ago.
57. Moreover, although alternative pitches on other sites may become available in the short or medium term, it also seems that inward migration is a constant and ongoing pressure on the supply of pitches in the area. If expansion is not allowed on this site, pitches are likely to be needed elsewhere if all the children pursue the gypsy lifestyle.
58. Accordingly, I have considered whether I could allow the appeal in part and give permission for fewer than five caravans. It seems that some limited site expansion onto an area directly to the north of the 1995 development boundary could provide additional and separate living accommodation whilst having a limited impact on views into the site from the entrance. Development would be seen directly against existing structures when viewed from the road, and the paddock would remain in the foreground of such views, and provide a buffer, albeit to a lesser extent. Moreover, development in the southern section of the paddock would be related to the existing building pattern.
59. One additional static caravan, set sufficiently back from the site entrance so as to limit encroachment onto the paddock and to have some spatial relationship with the existing structures, would have a limited impact on views of the site from the lane. Further intrusion into the rural landscape would also be reasonably contained and there would be only minor incremental harm to the character and appearance of the area. In reaching this conclusion I have taken into account the likely size of static caravans, as well as the issues outlined above in relation to use of the site for commercial purposes and associated hardstanding and turning areas. Moreover, I have already concluded that there is less space available for expansion than represented by the hatched area on the layout.
60. The interference with human rights is a qualified right and has to be balanced against the rights of the settled community. I have concluded that the harm to the rural area arising from one caravan would be limited and that such harm would be outweighed by the benefit of providing some additional accommodation.
61. Moreover, a condition requiring the submission of further details would ensure that the Council had some control of the caravan's exact position, as well as considering the merits of planting to provide additional screening.
62. With regard to the dayroom, I am not satisfied that one additional caravan requires the provision of a dayroom of the size proposed. In any case, this is severable from the provision of one caravan. Moreover, there is nothing before me to explain why the existing dayroom and washing facilities could not be improved.

63. I have also considered whether a temporary condition could be imposed for more caravans but it seems that this would only defer the decision making which appears to be concerned at least in part with the appropriateness of expansion on this site and how that might be managed. Moreover, there is nothing before me to suggest that the local availability of pitches will significantly improve over the next few years. In any case, an application for caravans so far in advance of need in relation to the younger children suggests that there is a commercial element to the application. It also remains that even if rented out to family members, they would be asked to remove themselves from the site at some point in the future.

Conditions

64. Both parties suggested conditions which were discussed at the hearing, and I have also had regard to the tests set out in the National Planning Policy Framework. Standard conditions are imposed to cover commencement, and compliance with approved plans.
65. However, in view of the inaccuracy of the site plan, and the need to ensure that the permitted development is situated in the hatched area of the Site Layout, I have found it necessary to require the appellant to submit further details to ensure that the Council has control over the development. These are to include details of boundary treatments, hard standing and additional landscaping required to provide additional screening of the caravan from the lane. This is to safeguard the character and appearance of the Low Weald Area.
66. I have also imposed a condition restricting the construction of additional boundaries within the site to the same end, and to ensure that the site does not become unduly urbanised. Given that the appeal has been allowed in part only, I have not found it necessary to impose the requirement to submit an SDS, as suggested by the Council.
67. As the development would represent some expansion of this family owned site, I have not found it necessary to impose a personal occupancy condition. I have however imposed a condition restricting occupancy restrictions to those with gypsy and traveller status. Moreover, to control the use of the site I have imposed a condition limiting the number of caravans that can be stationed on the appeal site.
68. In order to limit the impact of the development on the character and appearance, and noise and disturbance, I have also imposed conditions requiring the Council's permission to install external lighting, and conditions limiting commercial activities and the parking of large vehicles within the hatched area. This distinction between the hatched area and the remaining appeal site was agreed at the hearing.

Conclusion

69. For the reasons given above and taking into account all matters raised, including my duties in relation to personal circumstances, Equality and Race Relations Legislation, the human rights balance and the best interests of children, I conclude that the appeal should be allowed in part.

A Blicq
INSPECTOR

APPEARANCES

APPELLANTS

Mr John Johnson
Mrs Johnson
Mr Joseph Jones Gypsy Council Thames Valley

COUNCIL

Bob McQuillan Maidstone Borough Council

INTERESTED PARTIES

Kerry Pfleger Pegasus Group

ADDITIONAL DOCUMENTS

1. T/APP/C/95/U2235/249358/P6
2. Count of traveller caravans January 2019
3. Revised Appendix 5, Statement from Pegasus Planning
4. Statement of Gypsy status
5. Gypsy and Traveller Accommodation Need and Supply, Position Statement April 2019
6. Proposed Conditions, Version 1 submitted at hearing, version 2 submitted at site visit
7. Signed Statement of Common Ground

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Except as may be required by the conditions set out below, the development hereby permitted shall be carried out in accordance with the following approved plan: Site Layout Plan Scale 1:500; Sitemap 00096600.
3. The site shall not be occupied by persons other than Gypsies or Travellers as defined in Annex 1 of Planning Policy for Traveller Sites, published in August 2015.
4. No more than 5 caravans shall be stationed on the site at any time, and no more than 3 of those 5 permitted caravans shall be a static caravan. All caravans stationed on the site shall comply with the definition of caravans as set out in Section 29 of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act, as amended. One caravan only shall be stationed on the area shown hatched on the aforementioned Site Layout Plan.
5. No external lighting shall be put in place or operated on the area shown hatched on the aforementioned Site Layout Plan at any time, other than has been previously submitted to and approved in writing by the local planning authority.
6. No vehicles over 3.5 tonnes shall be stationed, parked or stored on the area shown hatched on the aforementioned Site Layout Plan.
7. No commercial activity, or storage of materials shall take place on the land shown as hatched on the aforementioned Site Layout Plan.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting or amending that Order) no gates or walls or fences or other means of enclosure including bunding, shall be erected or placed within/to the boundaries of the site.
9. Within three months of the date of this decision, a scheme showing the proposed position of one caravan on the area shown hatched on the aforementioned Site Layout Plan shall be submitted to and approved in writing by the local planning authority. The scheme shall also include details of:
 - i) Boundary treatment and means of enclosure;
 - ii) Details and samples of hard surfacing materials;
 - iii) A planting plan, including a plant schedule with species, planting density and numbers;
 - iv) A programme of works, including establishment maintenance.

The scheme shall be carried out in accordance with the approved details and maintained as such thereafter.