



Appeal Decision

Inquiry held on 15 – 17 October 2019

Site visit made on 22 October 2019

by Phillip J G Ware BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2020

Appeal Ref: APP/C3105/W/18/3219199

Land west of M40 adjacent to A4095, Kirtlington Road, Chesterton

- 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 Messrs C Smith and R Butcher against the decision of Cherwell District Council.
 - The application Ref 18/01332/F, dated 20 July 2018, was refused by notice dated 23 November 2018.
 - The development proposed is the change of use of land to use as a residential caravan site for three gypsy families each with two caravans and an amenity building, the improvement of the existing access, the construction of a driveway, the laying of hardstanding, the installation of a package sewage treatment plant and an acoustic bund.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to use as a residential caravan site for three gypsy families each with two caravans and an amenity building, the improvement of the existing access, the construction of a driveway, the laying of hardstanding, the installation of a package sewage treatment plant and an acoustic bund on land west of M40 adjacent to A4095, Kirtlington Road, Chesterton in accordance with the terms of the application, Ref 18/01332/F, dated 20 July 2018, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. Mr Jarman¹ was not called by the Council. His evidence and the rebuttal proof of Dr Murdoch stood as written submissions.
3. The parties advised me that another appeal decision, at Piddington (the 'Piddington Inquiry'), with some similarities to the appeal scheme, was due to be issued after the Inquiry into the appeal scheme. This other decision was issued on 28 October 2019². As agreed at the Inquiry, both parties made submissions on this decision³ and I will refer to it below.
4. The Inquiry closed on 22 October and, due to the pressure on Inquiry time, it was agreed that the parties' closings could be submitted in writing. The agreed

¹ Document 11

² APP/C3105/W/18/3209349

³ Documents 14 and 15

date was 25 November, in order to allow for the Council's advocate's personal circumstances. This was then further delayed for the same reason and closing submissions were received on 16 December.

Main issues

5. There is a single reason for refusal, which breaks down into separate concerns. On that basis there are four main issues in this case:
 - Whether the proposal is an unsustainable form of development, in relation to accessibility to shopping, leisure facilities, employment and other services
 - Whether the proposal would provide satisfactory living conditions for the future residents of the site in relation to noise from the M40
 - The effect of the proposal on the character and appearance of the area
 - The effect of other considerations, including the need for gypsy and traveller accommodation and the personal circumstances of the occupiers, on the overall planning balance

Reasons

The site, surroundings and the proposal

6. The appeal site is a grassed field around 2.7 hectares in extent and is broadly triangular in shape. It contains a small animal shelter. Access is by way of a field gate in the southwest corner off the A4095. To the east lies the M40 which runs in a cutting at this point. There is open countryside to the north and west, with a footpath along the west side of the site.
7. The proposal is for three pitches on the southern part of the site, each accommodating a static mobile home, a hardstanding to accommodate a touring caravan and parking area, and an amenity room/dayroom. There would be landscaping around the pitches and the northern part of the site would be retained as a paddock.
8. The proposal includes a 2 metre high planted earth bund with a 3 metre high closed boarded fence on top. This would be located along part of the southern site boundary and the eastern section adjacent to the pitches.

Relevant planning history

9. A previous application for 8 gypsy pitches on the site was recommended for approval by officers for a three year period. However it was refused for two reasons – the noise impact on future residents and the effect on the character and appearance of the area.
10. A subsequent application for 8 pitches was to be recommended for refusal on accessibility, character and appearance and noise grounds. However this application was withdrawn before a decision was made.

Policy context

11. The development plan comprises the Cherwell Local Plan Part 1 (2015) (LP) and the saved policies of the Cherwell Local Plan (1996) (CLP). I will address the policies relevant to each issue in separate sections below.

12. In addition there are a range of material considerations, as set out in the Statement of Common Ground (SOCG)⁴. I have particularly considered national Planning Policy for Traveller Sites (PPTS) and the Gypsy and Traveller Needs Assessment (2012/2013)⁵ and the Accommodation Assessment (2017)⁶. Guidance and policy relating to noise were also discussed⁷.

Gypsy status

13. It is important to establish if the proposed occupiers of the site fall within the definition of gypsies and travellers as set out in Annex 1 to PPTS. Should they not do so, then the particular planning policies related to gypsies would not apply.
14. In essence this definition encompasses persons of a nomadic habit of life including persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily. Case law has established that the nomadic habit has to have an economic purpose.
15. The details of the proposed occupiers of the site are set out in the SOCG⁸.
16. The appellant explained in some detail the travelling patterns of the family members⁹. In addition Mr R Butcher explained clearly at the Inquiry how various members of the family travelled for economic purposes. He frankly and persuasively explained that each round of travelling was different depending on the weather and where work can be found. The general pattern was of travelling throughout the spring and summer, and then a slow down or a halt to travelling during the winter when work became more scarce. Overall the travelling took place around four to six months each year.
17. The Parish Council has expressed concern that the appellants have not recently led a nomadic habit of life.
18. Overall, largely uncontested written and verbal evidence of the nomadic habit of life and the economic purpose of the travelling was put before me. My conclusion is that the proposed occupiers of the appeal site are Romany Gypsies as well as gypsies in terms of Annex 1 to PPTS. The intention is for the appeal site to be the families' base so that the occupiers, especially the children, can have good access to education and medical facilities.

Accessibility

19. LP Policy BSC 6 sets out a sequential approach and a range of criteria for the assessment of potential gypsy and traveller sites.
20. The first part of the policy gives preference to sites which are within a 3km road distance of the built-up limits of Bicester or of a Category A village. With that background it is therefore clear that the LP does not exclude gypsy sites in the countryside. It was stated by the appellants at the Inquiry that all sites in

⁴ Document 12 Section 5

⁵ Cherwell, West Oxfordshire and South Northamptonshire Gypsy and Traveller Needs Assessment (2012/2013) (GTNA)

⁶ Cherwell, Oxford City, South Oxfordshire and Vale of White Horse Gypsy, Traveller and travelling showpeople Accommodation Assessment (GTAA)

⁷ Especially Noise Policy Statement for England (2010) and ProPG: Planning and Noise Guidance (2017).

⁸ Document 12 Paragraph 6.1

⁹ Particularly at Document 6

- this District (and more generally) are in countryside locations. That was not contested by the Council and accords with my own experience.
21. Chesterton, a Category A village, is around 1.1km away by road. The SOCG details the facilities which exist, or are absent, in the village. Of particular note is the fact that there is a primary school (but no secondary school), that there are some other local facilities but no shopping or health provision. I appreciate the Council's point that not all the services which might be expected in a Category A village are present in Chesterton, but it is nonetheless designated as such and does include a reasonable range of facilities. Moving slightly further afield the site is around 2.2kms to the edge of Bicester, although it is appreciated that many facilities are located further into the town.
 22. In considering this matter, I note that the Council has specifically confirmed that it has never argued a breach of national policy in PPTS (paragraph 25). This policy is that new traveller sites in open countryside away from existing settlements (or outside areas allocated in the development plan) should be very strictly limited.
 23. It is clear that the appeal proposal does not conflict with the first part of LP policy BSC 6, but there follows a series of criteria which deal with other factors in assessing the suitability of sites. The appellants' view of BSC 6 is that sites which are within 3 kms of Bicester or a Category A village should be deemed to be both acceptable and sustainable. However the policy states that certain other criteria "will also be considered in assessing the suitability of sites". It is relevant to consider these other criteria, although I note that the Council's position is that the criteria do not need to be passed in every case.
 24. The Council has contested a number of the criteria (below), some of which relate to elements of general sustainability (a and b) whilst others (e, f, g, and h) are dealt with under separate headings below:
 - a) access to GP and other health services
 - b) access to schools
 - e) the potential for noise and other disturbance
 - f) the potential for harm to the historic and natural environment
 - g) the ability to provide a satisfactory living environment
 - h) the need to make efficient and effective use of land
 25. In relation to the criteria dealing with access to various services, some are provided in Chesterton, which is no great distance away. Turning to access to facilities in Bicester there is only one bus a day from Chesterton to Bicester in the early morning, but no return service, and none at all at weekends. There is another service which connects Oxford and Bicester, but the nearest stop is 3.1km distant. Given the lack of pavements, the fact that national speed limits apply on relevant roads, and the distances involved, I conclude that to all intents and purposes there is no bus service which realistically links the area around the site to Bicester.
 26. The predominant method of accessing the full range of services which Bicester has to offer would therefore be by private car. However policy does not require accessibility by public transport and the distances involved are not great, and I consider that the site is reasonably well located.

27. I am also conscious that PPTS does not look solely at the issue of distance to services but also at the benefits of having a settled base from which services can be accessed. In this case, the appeal site is in accordance with that general approach.
28. For the above reasons I conclude that the appeal site is not in a location away from settlements where traveller sites should be very strictly limited in accordance with PPTS, and that the occupiers of the site would have reasonable access to facilities and services. I conclude that it does not conflict with the generality of LP policy BSC 6 or criteria a) and b) within the policy, or LP policy ESD1 (reducing the need to travel and reducing dependence on cars), or CLP policy C8 (development in the open countryside).

Noise

29. The site is located immediately west of the M40. Despite the fact that the motorway, which both parties accepted is particularly heavily trafficked, runs in a cutting at this point, there is a significant level of noise on the site. This is self-evident and there is no dispute that, given the residential nature of the proposal, the development would be sensitive to the prevailing acoustic environment.
30. Development plan policy is to be found at LP policy BCC 6e) and g), which deal with the potential for noise and the ability to provide a satisfactory living environment. CLP policy ENV1 refers to developments likely to cause materially detrimental levels of noise and, whilst this is the reverse of the current position, the approach towards noise is relevant. The reasoned justification to the policy refers to ensuring that development within an affected area should be distanced from the pollution source. At the national level the Framework refers to the need to avoid noise giving rise to significant adverse impacts on health and the quality of life.
31. Each pitch would include one static and one touring caravan, along with a dayroom and an amenity area. I will deal with each aspect of the proposal in turn.
32. In relation to internal noise levels within the static caravans it is agreed that provided they are manufactured to BS 3632.2015 (Residential Park Homes. Specification), the noise environment inside the static caravans would be acceptable. I have no reason to disagree with this conclusion, which assumes that the bund and fence are in place and that the mobile homes are constructed to this standard. These matters could be the subject of conditions.
33. Touring caravans are constructed to a lower standard, and the parties agreed that they were unaware of any which are built to the BS standard above. On that basis, it is clear that overnight occupation of touring caravans would render the occupiers susceptible to unacceptable noise levels. The appellant put forward a condition to prevent overnight occupation. The Council did not contest this condition on grounds of enforceability, but only on the basis that it would be unreasonable as touring caravans are intended for occasional accommodation. Whilst that is self-evidently true, this does not mean that in the specific circumstances of this proposal such a condition would be unreasonable. On that basis, there would not be an issue with the use of the touring caravans.

34. In relation to the dayrooms, the appellants' persuasive evidence is that the dayrooms with patio doors open have been designed to be within external acceptable noise levels. In any event, they would provide a further opportunity for partial outdoor living, in line with the proposed occupiers' traditions.
35. Turning to the external environment, it is clear that at some point exposure to noise can cause significant observed effects, above which the noise would cause a material change in behaviour. In this case such a change could be the inability to use the external amenity space, which is an integral part of the proposal. It is therefore important that the noise experienced in those spaces should be such that they can be used as intended.
36. There was some debate at the Inquiry as to the degree to which the motorway noise would impinge on the external amenity space. The Council did not provide any noise readings themselves but relied on the appellants' acoustic expert.
37. The relevant noise standards in BS 8223:2014 and Noise Policy for England (2010), along with ProPG: Planning and Noise; and Planning Practice Guidance allow for some leeway even if noise levels are over 55db L_{Aeq} . The reference in the Standard is to guideline values which may not be achievable in all circumstances where development might be desirable.
38. The appellants accept that there would be a breach of the guidelines in respect of external noise levels. With the proposed mitigation in place the external noise level would be between 60-63 dBL $_{AeqT}$. It is therefore clear that there would be an effect, but that is not the test. The Council's position could be summarised that as soon as one exceeds the recommended figure, there would be a significant adverse impact. I agree that such exceedance serves as a warning, but there needs to be a fuller consideration of the potential impact in each case.
39. In this instance, there is a clear need for the development and the desirability of the proposal (for reasons set out elsewhere in this decision) is a consideration when looking at the guideline values. I fully appreciate that the presence of children on the site makes the availability and suitability of outdoor space all the more important. Based on the evidence submitted, reinforced by my site visit, I do not consider that the external amenity areas would experience significant adverse effects or materially detrimental levels of noise, and consider that they would be able to perform their intended function.
40. My attention has been drawn by the parties to decisions for ostensibly similar developments in other areas. However each appeal must be determined on its own merits, and the existing and proposed noise climates at these other locations will inevitably have been different, as were site circumstances. In addition it is far from clear to what extent noise implications were at issue between the parties or the extent of evidence in each case.
41. Reference has been made to the Piddington appeal decision, but my reading of this decision is that it is not comparable to the current proposal for two reasons. Firstly the nature of the noise events was entirely different, and secondly it appears in that case that thresholds would not be breached. This leaves aside any site specific circumstances and the fact that I do not know what evidence was put before my colleague.

42. There was a suggestion put forward by the appellant that the culture and way of life of gypsies and travellers, and in particular the fact that they are used to significant noise effects when staying by the roadside, should be factored into consideration. I do not agree, and it is clear to me that gypsies and travellers should not be subjected to noise which would be regarded as unacceptable for the settled population.
43. Overall, for the reasons set out above, the proposal would provide satisfactory living conditions for the future residents of the site in relation to noise from the M40. It would not conflict with LP policy BCC 6e) and g), which deal with the potential for noise and the ability to provide a satisfactory living environment, or with the Framework.

Character and appearance

44. The area around the appeal site is not suggested to be a valued landscape and is not the subject of any landscape designations. It is significantly impacted by the M40 in both aural and, in part, visual terms – so the baseline is significantly less tranquil and rural than might otherwise be the case.
45. Many proposals for gypsy and traveller sites in the countryside will involve an effect on the character and appearance of the area. In the case of this proposal there would not only be the effect of the caravans themselves, hardstandings, dayrooms and domestic paraphernalia, but also the visual effect of the acoustic bund and fence which, though aimed at reducing the noise impact of the proposal, would also have a visual effect. However the bund and fence would be comparatively tightly drawn around the individual pitches and, with the proposed native under-storey planting, would become assimilated into the surroundings within a short period of time.
46. The proposal would clearly have some effect on landscape character, although I judge this to be only a slight impact. The locations where receptors might appreciate the change to the area were discussed in evidence and at the Inquiry – these are mainly the entrance to the site, the footpath running adjacent to it, and the view from the nearby motorway bridge.
47. I visited all these locations during my visit, and it is clear that the development would be particularly visible from the footpath along the western site boundary, especially where there are gaps in the vegetation. I note that this footpath was omitted from the appellants' landscape evidence, but I have taken its existence fully into account. It would be less obvious from the entrance and the motorway bridge from which the limited views would be only fleeting.
48. For these reasons, I do not consider that the proposal, in particular the bund and fence, would be particularly out of place in its setting, and would cause only slight harm to the character and appearance of the area. It would nonetheless conflict with LP policies BSC 6 f), dealing with harm to the natural environment; ESD 13, dealing with landscape protection; and ESD 15 which deals with the relationship with the natural environment.

Need for and supply of sites for gypsies and travellers

49. LP policy BSC6 provides that the District will provide 19 (net) additional pitches to meet the needs of gypsies and travellers to 2031. This was intended to be

achieved by way of allocations in a future part of the development plan and by granting permission for suitable sites.

50. The supply of pitches has changed over time, including the loss of a substantial number of pitches at one site (Newlands/Bloxham) a couple of years ago, for reasons which were not entirely clearly explained at the Inquiry. The Council's evidence sets out a potential need for at least 37 pitches. Although the appellants and the authority have put forward different figures in relation to the shortfall, there is no need to examine this difference further in the current case. This is because the Council's position (like that of the appellants) is that there is a significant unmet need for additional gypsy sites in the area, and that there are no allocated or emerging alternative sites. The parties agree that significant weight should be attached to the unmet need, and this is a view which I share.
51. Like my colleague who dealt with the Piddington Inquiry, and who apparently heard broadly similar evidence, I attach significant weight to the unmet need for gypsy and traveller sites. The grant of permission in this case would provide some limited assistance in meeting that need in line with the relevant part of LP policy BSC 6.

Personal circumstances

52. The closure of the Newlands/Bloxham site made the families' situation highly precarious. Evidence was given of the various locations which they have used over the past years. This includes 'doubling up' on others' pitches, occupying pitches while others are away, staying on unsuitable sites and living by the roadside.
53. The Council were not able to point to alternative sites to which the proposed occupiers could resort, and there was no suggestion that they are not in very serious need of proper permanent accommodation. It is therefore unnecessary to examine their personal need in any detail as this is clearly set out in evidence and is persuasive. This adds significantly to the weight to which I give the personal circumstances in this case.

Other considerations

54. The Council has expressed concern that, in the light of LP policy BSC 6h), which deals with the need to make effective and efficient use of land, the proposal is an underuse of the site. However the authority also made it clear that they would not support a more intensive use. It is certainly true that a significant area of the site would be used as a paddock, but I do not consider this represents an underuse of land in terms of the LP or PPTS (which in any event only deals with effective use of brownfield, untidy or derelict land), especially given the need for gypsy and traveller accommodation.
55. Some local residents have expressed concern related to pollution, highway safety, flooding and the effect on wildlife, but there is no detailed evidence to substantiate these objections. These are not matters weighing significantly against the proposal.

Planning balance

56. I have carefully considered the fact that, if planning permission is not granted, the proposed occupiers of the site would have to continue living in a range of

unsatisfactory and, in some instances, unlawful locations. This would be an interference with their home, private and family life within the terms of Article 8 of the European Convention on Human Rights (ECHR). In addition Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration. In this case the proposed occupiers' families include children, and providing a settled base from which they can access educational and medical facilities is a primary consideration.

57. I have also had due regard to the Public Sector Equality Duty (PSED) contained 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 the use of the land as a gypsy site and the proposed occupiers are Romany Gypsies, they are persons who share a protected characteristic for the purposes of the PSED.
58. It does not follow from any of the above matters that the appeal should automatically succeed. However, the lack of sites and the absence of any development plan provision for travellers may indicate inequality of housing opportunity for Romany Gypsies and other human rights issues. These matters add significant weight to the appeal.
59. In relation to the development plan, the appellants' position is that LP policy BSC 6 is out of date and that the so called 'tilted balance' in Framework paragraph 11 applies. BSC 6 deals specifically with traveller sites in relation to broad locational criteria and detailed matters. It is common ground that the general locational approach in the policy is met, that the proposal would contribute to meeting the need for sites, and that some other detailed matters are not offended. In some other respects I have found compliance with the policy. It is only criterion BSC 6(f) where I have found limited harm relating to the character and appearance of the area. Overall, the proposal complies with most of the criteria in LP BSC 6, which is the most directly relevant and all-embracing development plan policy – although I appreciate that there is no supply of sites as envisaged in the policy. This is one of the most important policies for determining the application, along with those related to noise and character and appearance. Based on the evidence, I have no reason to conclude that this basket of policies, taken as a whole, is out of date.
60. Overall, the only area where the proposal would cause harm or policy conflict is in relation to the effect on the character and appearance of the area. However this is set against the fact that the proposal would contribute to meeting the general need for gypsy and traveller accommodation in Cherwell which, especially in the absence of any progress on allocations by the Council, is a matter to which I give significant weight. In addition I give significant weight to the personal circumstances set out above.
61. The planning balance is clearly in favour of the grant of planning permission, and the conflict with some parts of the development plan is outweighed by the material considerations set out above, including the need for gypsy sites and personal circumstances. Given that position I have not had any need to consider the possibility of a temporary permission.

Conditions

62. A range of conditions was discussed and agreed (aside from the condition relating to the overnight occupation of the touring caravans) at the Inquiry. I have made only minor modifications to these in the interests of precision.
63. In the interests of clarity, a condition is needed to specify the approved plans [2]. The number of pitches and caravans need to be controlled in the interests of the appearance of the development in line with the details of the proposal [11]. The paddock area should be retained for equestrian or agricultural use to prevent other uses in the interests of the appearance of the area [15].
64. A range of details need to be approved before the development begins – these include drainage (in the interests of health and the avoidance of flooding), a reptile survey and a Landscape and Ecology Management Plan and control over work in the light of the Ecological Survey Report (all for species/habitat protection reasons) [3, 4, 5, 8].
65. In the interests of the appearance of the development, a condition is necessary to ensure that the approved landscaping is implemented [7]. I have separated the provision of the fence and bund from this agreed condition in the interests of clarity and imposed a separate condition dealing with these matters [6].
66. As discussed above, it is important that the static caravans are properly sound insulated [9] and that touring caravans, because of their lower standard of insulation, are not used overnight [10].
67. The need for gypsy and traveller accommodation and the personal needs of the proposed occupiers, taken together, tip the planning balance in favour of the grant of permission. It is therefore necessary to impose conditions to restrict the occupation of the site, and to require the restoration of the site when the named occupiers leave in the interests of the amenity of the area [12, 16, 17].
68. In order to safeguard the amenities of those on the site and the area more generally, conditions are necessary to control vehicle sizes and prevent commercial activity. [13, 14].

Conclusion

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

P. J. G. Ware

Inspector

Schedule of conditions
Land west of M40 adjacent to A4095, Kirtlington Road, Chesterton

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. The development shall be carried out in accordance with drawing numbers TDA.2316.01 (Location plan); TDA.2316.03 Rev F (Proposed site layout & detailed landscape scheme); TDA.2316.04 Rev A (Proposed day room); TDA.2316.05 (Acoustic fence and bund detail).

Prior to commencement

3. Prior to the commencement of development, full details of a foul and surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The scheme shall be implemented in accordance with the approved details before any caravan is first occupied.
4. Prior to the commencement of the development, including any demolition and any works of site clearance or the translocation of any reptile, a reptile survey (which shall be in accordance with best practice guidelines) shall be carried out, and the findings, including a mitigation strategy and timetable if required, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works of mitigation shall be carried out in accordance with the approved details and timetable.
5. Prior to the commencement of the development, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details and timescale. This LEMP shall include details outlined Just Mammals Consultancy - Preliminary Ecological Appraisal (2017) - relating to bird nesting mitigation strategy and an exterior lighting strategy.

Prior to first occupation

6. The use of the land hereby permitted shall not commence until the bunding and acoustic fencing hereby approved shall have been constructed.
7. All planting, seeding or turfing comprised in approved plan TDA.2316.03 Rev F shall be carried out in accordance with the most up to date British Standard for general landscape operations, in the first planting and seeding season following the first occupation of any caravan. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

8. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 9 of the Ecological Survey Report carried out by Just Mammals Consultancy (2018) unless otherwise agreed in writing by the local planning authority. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one year) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Post occupation compliance

9. Any static caravan shall comply with BS 3632:2015 in relation to sound insulation and ventilation requirements.
10. Any touring caravan shall not be used for overnight accommodation.
11. The development hereby approved shall comprise no more than 3 pitches as shown on the approved site layout drawing number TDA.2316.03 Rev F. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan or mobile home) shall be stationed on each pitch at any time.
12. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites' (2015) or any subsequent revision.
13. No more than one commercial vehicle per pitch shall be kept on the land. Each vehicle shall not exceed 3.5 tonnes in unloaded weight and shall not be stationed, parked or stored on the site except within the relevant pitch and shall not be used other than by occupiers of that pitch. No other commercial vehicles shall be kept on the land.
14. No commercial activities, including the storage of materials, shall take place on the land other than the storage of materials in vehicles authorised to be parked on the site.
15. The area identified as 'existing paddock retained' on drawing number TDA.2316.03 Rev F to the north of the proposed 1.2m post and rail fence shall not be used other than for equestrian or agricultural use.
16. The occupation of the site hereby permitted shall be carried on only by Cybil Butcher, Mitchell Butcher, Courtney Butcher and their resident dependents; Clifford Smith, Gina Smith and their resident dependents; David Stevens, Jane Stevens and their resident dependents.
17. When the land ceases to be occupied by those named in condition no. 16 above, all mobile homes, caravans, buildings, structures, materials and equipment brought onto the land or works undertaken in connection with the

use shall be removed and the land restored to its condition before the development took place.

<<<<<<<<<**End of conditions**>>>>>>>>

APPEARANCES

FOR THE COUNCIL:		
Mr G Lewis of Counsel, instructed by the Solicitor to the Council		
He called		
Mr A Murphy BA(Hons) MSc MRTPI	Director, Stansgate Planning Consultants	
Mr N Whitton BSc	Environmental Protection Officer	

FOR THE APPELLANT:		
Mr A Masters of Counsel, instructed by Dr A Murdoch		
He called		
Dr A Murdoch BA(Hons) MSc PhD MA MRTPI	Planning consultant	
Mr L Jephson BEng(Hons) MIA	L F Acoustics	
Mr R G Crandon BA(Hons) PGDip LA	Director, TDA	
Mr R Butcher	On behalf of the appellants	

INTERESTED PERSONS:		
Mr P Clarke	Chesterton Parish Council	
Ms L James	Local resident	

INQUIRY DOCUMENTS

1	Bellway Homes permission – Hardwick Farm (13/00159/OUT)
2	Summer Place permission (18/01259/F)
3	Chesterton Parish Council statement
4	Committee report related to appeal scheme
5	Statement by Ms L James
6	Statement by Dr Murdoch regarding gypsy status
7	Extract from Planning Practice Guidance re.noise
8	Little Hallingbury Inspector’s report (APP/C1570/C/09/2114934)
9	Personal statement of Mr R Butcher
10	National Planning Policy Framework: technical adjustment: HLWS167
11	Evidence by Mr S Jarman
12	Statement of Common Ground
13	Appeal decision – Widnell Lane, Piddington (APP/C3105/W/18/3209349)
14	Statement by the Council related to the Piddington decision
15	Statement by the appellants related to the Piddington decision
16	Appellants’ closing submissions
17	Council’s closing submissions