
Appeal Decision

Site visit made on 25 January 2021

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th February 2021

Appeal Ref: APP/Y9507/W/19/3225109

Market Garden Caravan Site, Clappers Lane, Fulking BN5 9ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs J Hearne against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/05963/FUL, dated 16 November 2018, was refused by notice dated 14 February 2019.
 - The development proposed is described as 'material change of use of land for stationing of caravans for residential occupation with facilitating development (hard standing)'.
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Decision

1. The appeal is allowed and planning permission is granted for the material change of use of land for stationing of caravans for residential occupation with facilitating development (hard standing) at Market Garden Caravan Site, Clappers Lane, Fulking BN5 9ND, in accordance with the terms of the application, Ref: SDNP/18/05963/FUL, dated 16 November 2018, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. A mobile home has been brought onto the site and therefore the proposal has commenced. Since the National Park Authority (NPA) issued its decision it has adopted the South Downs Local Plan 2014-33 Adopted 2019 (LP). This has superseded the Mid Sussex District Local Plan in so far as it relates to the National Park. It is incumbent upon me to base my decision upon the most up to date planning policy and this is what I have done. The appellants addressed the change in policy through their appeal submissions.

Main Issues

3. The main issues in this appeal are: 1) The effect of the proposed development on the character and appearance of the area; and 2) Whether the proposal would result in an over concentration of sites in one location or be of a disproportionate size to nearby communities.

Reasons

The effect on the character and appearance of the area

4. The appeal site encompasses a small grass field set back from the road and enclosed by hedging and a close board fence. Access to the site is through the appellants' existing Market Garden site, which currently includes two pitches

set discreetly back from the road behind a belt of dense landscaping. The landscaping along the frontage of Market Garden is contiguous with that either side and this provides Clappers Lane with a rural character.

5. Housing along Clappers Lane to the west of the appeal site is generally set towards the front of the respective plots with long gardens to the rear. This is typical of Fulking, which is a nucleated 'spring-line' village with limited sprawl beyond its historic centre (designated as a conservation area). This pattern and layout, evident on historic maps, is clearly discernible. Market Garden, the appeal site and the adjoining Conifers site are set apart from the built form of the village due to the presence of a small paddock to the south of Lower Kents.
6. The appeal scheme would introduce mobile homes, areas of hardstanding and other paraphernalia into the appeal site, which is currently an undeveloped grassed field¹. The siting and nature of the proposal would intensify the presence of scattered and sporadic development on the village edge and this would erode the nucleated form and character of Fulking. Moreover, by projecting away from Clappers Lane the proposal would be arranged in depth behind the Market Garden pitches. This would be out of character with the linear frontage pattern of development in the village. The urbanisation of the grassed field would also diminish the rural character of the area. Accordingly, the appeal scheme would harmfully jar with the form, character and grain of Fulking and the rural character of Clappers Lane and the village edge.
7. These impacts would not be especially apparent in close range views from Clappers Lane and nearby footpaths. This is due to the thick boundary hedging, which is a very effective screen even in the winter months. The planting to the west of the appeal site seems to be outside the control of the appellant, but it is well established and there is nothing to suggest it would be removed in the future thereby exposing the site to Clappers Lane. The appellant has control over the planting to the south of the site so this can be retained, and it seems to be in reasonably good condition despite the amount of rubbish being kept behind the boundary fencing on land belonging to the appellants.
8. Although the perceivable visual and spatial impacts on the settlement and landscape would be reasonably benign from Clappers Lane, it would be particularly apparent from the Fulking Escarpment, which includes the South Downs Way, Devils Dyke, various viewpoints and several trails that criss-cross National Trust owned/managed land open to the public.
9. The proposed mobile homes, touring caravans and hard standing would be visible in isolation, and cumulatively with the existing pitches, in several positions in a sweeping arc from the Devil's Dyke Public House to the steep hill side south of the appeal site. These are identified as being locally important views and the proposal would impinge into them, consolidating development and eroding the sense of transition from a tight village core to open countryside. My findings in this respect are consistent with a previous Inspector's², who was concerned by the consolidation of development on the edge of the village.
10. That said, the appeal scheme would be viewed in the wider context of the village to the west and the existing sporadic development to the east, north

¹ It would not however introduce a utility building as confirmed in the appellant's submissions.

² APP/Y9507/C/15/3062034 and APP/Y9507/C/15/3062035

east and south of the site. In this respect it would not appear isolated. Moreover, the cluster of houses to the south of the appeal site (along Poynings Road) draw the eye in views from the escarpment because it includes large houses separated from the core of the village. In this context the impact of the appeal scheme on the nucleated form of the village would be moderated, as it would not appear as a strident projection of built form beyond the settlement.

11. There would also be scope to provide some mitigation as the mobile homes, particularly the roofs, could be finished or clad in a dark material. The success of this approach is partially evident in the dark roof of the second mobile home in the Market Garden site. It's unlikely the presence of the touring caravans could be mitigated in this way, but these vehicles would have a transient impact. The proposal also includes a landscaped area to the south that will soften the impact of the proposal in views from the escarpment and in glimpsed views from Poynings Lane. There will be a short-term impact whilst the planting matures, but as it is necessary to soften rather than screen the development this is not an overriding limitation in this instance. It will be important to ensure that rubbish, waste and other paraphernalia is not stored in this landscaped area through the imposition of a planning condition.
12. In addition to the landscaped area, and notwithstanding the submitted drawings, the Council and appellants have confirmed that there is additional scope to reduce the extent of hard surfacing and thus provide a 'landscape led' layout with planting provided along the boundaries of the site, between the proposed pitches and along the northern boundary with Market Garden. There is space for this to be quite comprehensive involving trees and understorey hedging. It can also be achieved in a way that accommodates practical requirements such as space to turn vehicles and being low maintenance (thereby reducing care needs why the families are travelling). Enhancing the extent of planting would provide a verdant site that over time would have maturity and a sense of being anchored and assimilated into the area.
13. Neither the NPA's Landscape Officer nor the National Trust raised objections to the proposal for the reasons outlined above. However, whilst acknowledging that the foregoing points would reduce the impacts of the proposal, they would not fully address the inherent limitations in the appeal scheme. These being that it would be visible from the escarpment, positioned in depth and sited where it would consolidate development on the edge of a nucleated settlement. As such there would be a residual harmful impact on the landscape of a moderate order. The proposal would therefore be at odds with Policy 1 of The South Downs Partnership Management Plan.
14. The appellants have laid rubble hard core at the site entrance and a mobile home has been brought onto the land. It appears to be occupied but is not positioned in the location shown on the drawings. The siting of a mobile home at the appeal site and the establishment of a temporary pitch amounts to intentional unauthorised development as it has taken place without the prior grant of planning permission. As such, the 2015 ministerial statement is relevant³. The works are not extensive and have not, for example, resulted in hedges being breached or trees and landscaping effected. The mobile home and hard core could be easily removed. Therefore, commencing development in advance of obtaining planning permission has not resulted in irreversible

³ Green Belt Protection and Intentional Unauthorised Development 2015

physical harm to the character and appearance of the area. Accordingly, the undertaking of intentional unauthorised development adds only limited weight as a matter against the proposal in this instance.

15. In conclusion, the proposal would fail to conserve and enhance the natural beauty, scenic quality and landscape character of the National Park including the nucleated settlement pattern of Fulking. This would be contrary to the first purpose of the National Park as well as Policies SD4, SD5 and SD6 of the LP, which seek to conserve and enhance the National Park and are therefore consistent with Paragraphs 127 and 172 of the National Planning Policy Framework (the 'Framework').

Whether the proposal would result in an over concentration of sites in one location or be of a disproportionate size to nearby communities

16. Policy SD33 of the LP states that Gypsy and Traveller proposals will be permitted subject to criteria. One such stipulation is that sites should not be over concentrated in any one location or disproportionate in size to nearby communities. This is consistent with advice in the Planning Policy for Traveller Sites (PPTS), which states that sites in rural areas should respect the scale of, and not dominate, the nearest settled community. The settled community includes those who do not meet the planning definition of a Gypsy or Traveller in the PPTS i.e. they are not of a nomadic habit of life.
17. The nearest settled community to the appeal site effectively encompasses the village of Fulking. There is no set measure for ascertaining the size of a settled community, but it is not unreasonable to consider this encompasses those permanent properties within a discernible settlement. The NPA have confirmed that there are around 55 dwellings within the village as indicated on a plan in their evidence. This is a sound approach as it is based on the extent of the village when viewed on the ground. Moreover, considering the number of homes instead of the population is less susceptible to periodic fluctuations.
18. The provision of two pitches would not, in itself, result in an over concentration of pitches when considered relative to Fulking. However, this is a matter that needs to be considered cumulatively because small incremental increases in the number of pitches could result in an overall number that may not have been supported if they had come forward in one go.
19. As a result of the proposal the number of Gypsy and Traveller pitches would increase by 50% and make up around 10% of the homes available in the village. This would be a notable proportion of any community, be it comprised of Gypsy and Traveller pitches or conventional bricks and mortar housing. The cumulative size of the six pitches would amount to around 5000 square metres, with the associated paraphernalia including touring caravans and day rooms. This would be a large residential area relative to the nucleated footprint of the village with a distinctly different domestic character. I am also mindful that the Inspector who considered the appeal at the Conifers site found that three pitches came close to an appropriate upper limit in this location.
20. However, for reasons I have already gone into the proposal would not be significantly apparent in a visual or spatial sense and therefore would not appear dominant or stark. The number of pitches at the village would also remain clearly subservient to the number of bricks and mortar homes. Moreover, the two pitches would be occupied by the appellants sons and their

families. They have lived in the village for many years and continue to reside at the Market Gardens site with their wives. Therefore, in many respects the appeal scheme would retain the status quo in terms of community cohesion, as it would not result in new residents moving into the village. It would be possible to secure a personal permission through a planning condition to ensure this remains so.

21. In conclusion, the proposal when considered cumulatively would, in a physical sense, result in a disproportionate over concentration of pitches in one location. This would result in some limited harm to the spatial cohesion of the village. The number of pitches involved would not dominate the settled community, but it would fail to respect its modest scale. This would be at odds with Criteria 3b) of Policy SD33 of the LP. However, in this instance the future occupants are already on site with the appellants' sons having been resident in the village for many years. This is a significant mitigating factor when considering the effect on community cohesion and population. Overall, the harm from the disproportionate over concentration of pitches would be limited in this case.

Other considerations

The need for Gypsy and Traveller accommodation

22. Policy SD33 of the LP sets out the strategy for addressing the accommodation needs of Gypsies and Travellers in the National Park. The strategy was borne out of the Gypsy, Traveller and Travelling Showpeople background paper which was in turn based on the findings of Gypsy and Traveller Accommodation Assessments, including that covering the Mid Sussex area completed in 2016 (the GTAA). The results informed Table 7.4 in the LP, which explains that there is a need within the National Park for 23 permanent pitches as of 1 October 2018. The LP allocated 10 pitches leaving 14 as the 'remaining unmet need'.
23. The inability to allocate enough sites through the LP is acknowledged in the supporting text to Policy SD33, where it explains that the number of sites advanced by landowners was inadequate to meet the need and neither the NPA nor local authorities had available land. To this end, Policy SD33 of the LP seeks to permit planning permission on currently unidentified windfall sites in three areas of the National Park where a need was identified. Mid Sussex is not one of those areas because the GTAA found no need for pitches there.
24. However, it is unclear whether the GTAA accounted for household formation over the plan period. The fact that it did not identify the needs of the appellants' three sons suggests it did not. This indicates that the GTAA, and by association Policy SD33, have underestimated the need in the Mid Sussex part of the National Park. Therefore, based on the evidence before me, the figure in Table 7.4 relating to the Mid Sussex area of the National Park needs to be considered with some caution. As does the strategy set out in Part 2 and criteria 3a) of Policy SD33, which seeks to permit windfall sites, but only if they would be meeting an identified need in those parts of the National Park in Brighton and Hove, Lewes District and East Hampshire District.
25. On the face of it, the findings in the preceding paragraph jars with those of the Inspector who examined the LP, and their conclusion that the plan makes appropriate provision for Gypsies and Travellers. However, this was a qualified finding as the Inspector was clear it was based on the available evidence. For reasons I go into, the appellant's children, who were residents of Mid Sussex

when the GTAA was prepared, have a clear unmet need for pitches and this was not captured in the GTAA or subsequently factored into Policy SD33. Such evidence was not before the examining Inspector.

Five-year supply of pitches

26. The PPTS requires local planning authorities (the NPA in this instance) to set pitch targets for Gypsies and Travellers and to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against this target. At the time of the LP's adoption in 2019 six pitches had been provided in the Coastal West Sussex area. It is unclear what the current picture is in respect of supply and the NPA were unable to clarify this when I asked in writing. I therefore share the view of the appellant that the NPA have failed to demonstrate a five-year supply of pitches. As such, the evidence before me demonstrates that the need identified in the LP, which may be an underestimate, is not being addressed.

Accommodation needs of the future occupants and alternative options

27. The appellants' two youngest sons (James and Jesse Hearne) have come of age and are now married with young families. They are no longer dependants of the appellants and have no permanent base of their own. They continue to reside at the Market Garden site in a touring caravan and an unauthorised mobile home. This situation cannot endure due to overcrowding and because it is contrary to the extant planning consents, which only permit two pitches with occupancy conditions. As such, they are in immediate housing need.
28. The Mid Sussex District Plan identifies a need for 23 pitches by 2031 and this is to be provided at strategic sites. Strategic sites at Pease Pottage and Hassocks did not include any provision for Gypsies and Travellers. In 2019 a large strategic allocation approved at Burgess Hill included provision for 13 pitches. Phase 2, commencing in 2025 would include 6 pitches and Phase 3, starting in 2029, would accommodate the remaining seven. Therefore, these pitches may not be available for some time and it is unclear how they will come forward in terms of cost, tenure, layout and who would be prioritised.
29. The nearby Small Dole site is occupied by a single family and is to all intent and purposes a family site that the Hearn brothers could not move onto. A site at Withy Beds was redeveloped with four extra pitches but these were immediately taken up. The Hearn family do not own any land elsewhere and the sites allocated in the LP are existing private sites some distance away and therefore it is unlikely the Hearn brothers and their families could move onto them. The Council has not directed me to any other available sites.
30. Therefore, it is unlikely the accommodation needs of James and Jesse Hearn and their families can be met elsewhere in the National Park or Mid Sussex. There is no substantive evidence before me to suggest there is a surplus of provision in other local planning authority areas outside the National Park. It is of note that there is a long waiting list for pitches in Mid Sussex.
31. Given the above, it is clear from the evidence available that the Hearn brothers and their families are in housing need and it is unlikely this can be met locally in the short term. The NPA are due to review the LP/GTAA in the next few years but I have seen nothing of substance to suggest it is unlikely the NPA will struggle again to strategically identify enough sites and therefore it may well

need to rely on windfall sites, such as that proposed. Accordingly, a temporary permission would not be appropriate in this instance as its unlikely circumstances would change at the end of the temporary period.

32. Thus, given that residing at the existing authorised Market Garden pitches is not permitted or desirable, the Hearn brothers and their families would need to take to the road in the short term in search of temporary pitches or other unauthorised ones. As such, there are limited options available for them in seeking to establish a settled base that would facilitate their traditional way of life. They have never lived in bricks and mortar housing and could not do so. Thus, their accommodation needs are a significant point in favour of the proposal given the current absence of a five-year supply and the lack of any viable alternatives.

Personal Circumstances

33. Being ethnic travellers, the future occupants of the proposed pitches have the protected characteristic of race under s149(7) of the Equality Act 2010. In such circumstances, s149(1) of the Act requires due regard to be had to the need to, amongst other matters, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This includes minimising disadvantages that are connected to that characteristic. This is the Public Sector Equality Duty (PSED).
34. The evidence before me, which I have no reason to doubt, demonstrates that the future occupants of the pitches follow a nomadic habit of life linked to their culture and therefore meet the planning definition of a Gypsy and Traveller in the PPTS. However, without a settled base of their own it is difficult for them to balance their traditional way of life with the practicalities of modern living. For example, a permanent address is often needed for paying bills, dealing with administration and accessing healthcare.
35. Furthermore, a settled base at Fulking would allow them to be anchored in a community and live within an extended family. The unavailability of vacant sites also indicates inequality in housing opportunities. Addressing this is an important aspect in achieving the social sustainability sought by Paragraph 13 of the PPTS, as is the close proximity of the appeal site to Fulking. It does not automatically follow that the appeal should be permitted because the PSED is relevant, but the equality implications weigh in favour of allowing two further pitches at the appeal site. This is because dismissing the appeal would perpetuate the disadvantages currently being endured.
36. Moreover, Article 3(1) of the United Nations Convention on the Rights of the Child states that the best interests of the child shall be a primary consideration. This means no other consideration is more important. Between them, the younger Hearn brothers and their wives have one child and are expecting two soon. The best interests of all three children need to be carefully considered.
37. The three children are not currently of school age and consequently their educational needs are not currently pronounced. However, if the families are unable to find a settled base in the next four to five years, and there is little evidence that they will, then the children will have a disrupted education with the inherent disadvantages this would entail. Thus, their best interests would be served by establishing a settled base now so there is certainty over where they will go to school. A settled base would also enable access to healthcare

and generally support the children's welfare by, for example, attending clubs, making friends in the local area and being close to family for support.

Other Matters

38. Reference has been made by an interested party to the refusal of planning applications in Fulking, including sites at Cannonberries and Cabbage Patch. However, I have seen nothing to suggest the PSED was relevant in those instances, that the applicants were in the same acute housing need as the Hearn brothers and their families and that they were without suitable alternative accommodation. As such, the circumstances do not appear to be the same and therefore my findings are not inconsistent with these decisions.
39. Substantive evidence has not been provided to demonstrate the proposal would place harmful pressure on local infrastructure, including drainage. Photographs provided by local residents demonstrate that flooding can be an issue in Clappers Lane, but the NPA are of the view this would not be exacerbated if permeable surfaces are constructed and I have no reason to disagree.
40. The Highway Authority have not raised objections to the proposal, and I share this expert view because the future occupants already live on site and are using an existing authorised access. Allowing the appeal would not result in any general 'precedent' as applications such as this turn on the specific merits of the case, including personal circumstances. I share the view of the NPA that the separation distance and intervening development between the appeal site and designated heritage assets would be adequate to preserve their setting. There is sufficient separation space between the appeal site and the nearby dwellings to ensure a harmful impact on living conditions would not occur.

Conditions

41. I have considered the advice in the Planning Practice Guide and the conditions suggested by the Council. As the development has already commenced it is unnecessary to impose the standard commencement condition. However, as the proposal has only partially commenced, it is necessary, in the interests of certainty to impose a plans condition. The appeal is acceptable due to the personal circumstances of the intended occupiers and therefore, it is necessary to impose a personal permission. As only two pitches have been justified it is necessary to secure this.
42. It is necessary in the interests of safeguarding the character and appearance of the area, the dark sky character of the National Park and the living conditions of neighbours to limit external lighting and the size of vehicles and to prevent commercial activity, including the storage of rubbish. For the same reasons, and because the development has commenced, it is necessary for a site development scheme to be submitted for approval which will address several matters including landscaping. Following this, it is necessary to protect the approved scheme of landscaping, and exceptionally remove permitted development rights to erect fencing, walls and enclosures. To ensure adequate drainage it is necessary for the scheme to include such details.
43. In the interests of biodiversity, it is necessary for the scheme to include details of enhancements. In the interests of preventing flooding it is necessary to secure details of drainage through the scheme.

44. The future occupants of the three pitches currently meet the PPTS definition of a Gypsy and Traveller and the permission would be personal to them. There is nothing before me to suggest they would seek to cease travelling in the future. This would be highly unlikely in any event given how integral travelling is to their way of life. As such, it is unnecessary to impose a condition requiring the pitches to be occupied by those meeting the PPTS definition. The works required to establish the pitches should be reasonably short lived and should not require any burning of materials and therefore conditions dealing with construction are unnecessary.

Planning Balance and Conclusion

45. The proposal would moderately harm the character and appearance of the area and in so doing would fail to conserve or enhance the National Park. This would be contrary to the development plan and the first purpose of the National Park. To this there is limited harm from intentional unauthorised development. The Framework states that great weight should be given to conserving and enhancing the National Park, which has the highest status of protection in relation to these issues. The proposal would also be at odds with Criteria 3a) and 3b) of Policy SD33 due to it being in Mid Sussex, where the policy identifies no need, and a disproportionate over concentration of pitches.
46. Balanced against this there are several points in favour of the proposal. Firstly, the Council have not been able to demonstrate a five-year supply of pitches. The PPTS states that this should be a significant material consideration when considering applications for the grant of temporary permission. I see no reason why this should not apply to an application for a permanent permission. That said, the PPTS also states that an exception to this is sites in National Parks.
47. Be that as it may, Policy SD33 acknowledges the need for windfall development in the National Park, albeit in areas outside of Mid Sussex. However, for the reasons given the evidence underpinning this approach appears problematic and therefore the conflict with the strategy in Policy SD33 (Sections 2 and 3a) carries limited weight. Moreover, the evidence before me indicates that there does not appear to be any options for the Hearn brothers and their families outside the National Park. Unmet need is therefore an important consideration. Moreover, the impacts on community cohesion from the concentration of pitches can be largely mitigated through a condition securing a personal permission. Thus, the conflict with Criteria 3a of Policy SD33 is limited.
48. The proposal would meet the immediate accommodation needs of the Hearn brothers and their families, all of whom meet the planning definition of Gypsies and Travellers. This is a significant point in favour of the proposal in the circumstances given the lack of alternatives. However, this alone does not outweigh the overall conflict with the development planning and the great weight I afford the harm to the National Park. Nevertheless, when taken with the best interests of three children, which is a primary consideration, I find that the benefits of the proposal would just about outweigh the cumulative harm. This is a compelling point in this instance that indicates the proposal should be determined otherwise than in accordance with the development plan. Accordingly, for the reasons given I conclude that the appeal should succeed.

Graham Chamberlain
INSPECTOR

Schedule of Planning Conditions

- 1) Subject to the other conditions set out in this schedule, the development hereby permitted shall be carried out in accordance with the following approved plans and any other approved plans required pursuant to the conditions hereby imposed:
 - Location plan at a scale of 1:1250 received by the National Park Authority on the 19 November 2018;
 - Proposed site plan at a scale of 1:500 received by the National Park Authority on the 19 November 2018.

J003372/CD01, J003372/CD02, J003372/CD03.
- 2) The mobile homes hereby permitted, shall not be occupied or used other than by:

Mobile Home 1- Mr James Hearne and/or Mrs Tammy Hearne and their resident dependents.

Mobile Home 2 – Mr Jessie Hearne and/or Mrs Tiffany Hearne and their resident dependents.

When the mobile homes are no longer required to be occupied by the aforementioned then they shall be removed from the site, which shall be restored to its condition prior to the granting of this planning permission and in accordance with a scheme that is submitted to and approved in writing by the local planning authority within three months of occupation ceasing.
- 3) There shall be no more than two pitches within the site. On each of the two pitches hereby approved no more than two caravans shall be stationed at any one time, of which no more than one shall be a mobile home or a static caravan as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.
- 4) No commercial activities shall take place on the site including the storage of materials, rubbish and waste, the storage of plant or the storage/parking of vehicles over 3.5 tonnes.
- 5) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Notwithstanding the submitted details, within 3 months of the date of this Decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority and shall include the following:
 - Details of foul and surface water drainage;
 - Details of the external finishing materials and colours of the mobile homes;
 - Details of the extent, materials and position of hard surfaces, which shall be permeable (aside from the concrete bases for the mobile homes), and any fences, walls, boundary treatment and enclosures;

- Details of a comprehensive soft landscaping scheme, including the species, plant sizes and proposed numbers and densities of planting, and measures for their protection, maintenance and retention;
 - Details of external lighting;
 - Details of biodiversity enhancements; and
 - A timetable for the implementation of the Scheme.
- ii) If within 6 months of the date of this decision the Local Planning Authority refuse to approve the Scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) if an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
- iv) the approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

- 6) The landscaped areas shall be maintained free from rubbish and other paraphernalia and shall be protected from damage. Any trees or plants which, within a period of five years, 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 otherwise agreed in writing by the Local Planning Authority.
- 7) No external lighting shall be put in place or operated on the site at any time other than that which has been previously submitted to and approved in writing by the Local Planning Authority as part of the Site Development Scheme.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order amending or revoking and re-enacting this Order, no enclosures, walls or fences, except those expressly permitted, shall be erected or installed at the site.

End of Schedule.