



Appeal Decisions

Hearing Held on 13 April 2021

Site visit made on 14 April 2021

by Roy Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 June 2021

Appeal A: APP/E0915/C/20/3248752

Field 7449, 'Old Mothers Meadow', Irthington, Carlisle CA6 4NS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Andrew Thomson against an enforcement notice issued by Carlisle City Council.
- The enforcement notice was issued on 19 February 2020.
- The breach of planning control as alleged in the notice is (a) Formation of an unauthorised vehicular access; (b) Formation of an unauthorised hardstanding and fencing; and, (c) Unauthorised formation of gypsy site by the siting of 1 no. static unit, kennels, associated outbuildings and site lighting.
- The requirements of the notice are a) Return the Land back to its pre-development agricultural status by removing all elements referred to in 3 and re-instating the hedgerow and pedestrian gate.
- The period for compliance with the requirements is (a) Formation of an unauthorised vehicular access – by 31st May 2020; (b) Formation of an unauthorised hardstanding and fencing – by 31st May 2020; (c) Unauthorised formation of gypsy site by the siting of no. 1 static unit, kennels, associated outbuildings and site lighting – by 31st March 2020.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B: APP/E0915/W/20/3248748

'Old Mothers Meadow', Land opposite Irthing Mill, Irthington, Carlisle CA6 4NS

- 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 Andrew Thomson against the decision of Carlisle City Council.
- The application Ref 19/0649, dated 18 August 2019, was refused by notice dated 24 January 2020.
- The development proposed is material change of use of land to use as a residential caravan site for one Gypsy family with 3 caravans, including no more than 1 static caravan/mobile home, including laying of hardstanding, erection of ancillary amenity building and access improvements.

Summary of Decision: The appeal is allowed and planning permission is granted subject to conditions set out below in the Formal Decision.

Preliminary Matters

1. It was agreed at the Hearing that the enforcement notice should include reference to the residential use of the site within the alleged breach of planning control; also that ceasing the residential use should be reflected within the requirements of the notice. The parties accepted that I could correct the notice accordingly without causing injustice.
2. The notice includes a requirement to reinstate a pedestrian gate. However at the Hearing the appellant said that no such 'pedestrian' gate was in place at the time the site became occupied. It was agreed by the parties that this point could be resolved by amending the requirement so that it referred to reinstating the gate to its previous condition before the development took place.
3. Following the Council's refusal of planning permission and the appeal being lodged, the site layout plan was altered to reflect proposed vehicular access and egress arrangements for the site and boundary landscaping proposals. The layout plan has been further altered, with highway safety in mind, following the discussion at the Hearing. I am satisfied that I am able to make my decision based on this revised plan, which I consider to be consistent with the scaling of the ordnance survey site location plan, without resulting in injustice to any of the parties.

Appeal A on ground (a) (that planning permission should be granted) and Appeal B

Main Issues

4. The main issues are (i) the effect of the development on the character and appearance of the surrounding area; (ii) highway safety; (iii) whether the site is 'away from' settlements and how local shops and services are likely to be accessed; (iv) the need for and availability of gypsy and traveller sites and (v) the personal circumstances of the appellant.

Reasons

Character and Appearance

5. The appeal site is in a quiet and attractive, rural valley location with open fields and woodland dominating the surroundings. There are, however, residential buildings on the opposite side of the road to the site, at Irthington Mill and Irthing House. The ground level rises relatively steeply towards the south west and the west.
6. The appeal site is essentially rectangular, with timber fenced boundaries, and is surfaced with loose stone. An established mature hedge runs along the outside of the eastern boundary of the site with the adjacent road. Single lines of young conifer trees have been planted on the outside of the other fences.
7. From my visit it was apparent that there are two caravans, including one static caravan, located on the site. There are also a number of outbuildings, including sheds and kennels. The proposed amenity building has not yet been constructed. External lighting has been installed at intervals around the edge of the site.

8. Close range views of the site are generally well screened from the adjacent road, due to the presence of the mature boundary hedge. However because of the increase in ground levels, the site is very prominent in longer distance views looking from the road which turns and rises to the south west; and also from a public right of way, passing through fields to the west, and which eventually connects with the village of Newtown. The appellant suggests that this public right of way is little used. There is no evidence before me to confirm whether this is the case, but the route is nevertheless a key visual receptor and even if little used at present, this may not always be the case.
9. Though I have no reason to question the quality of the static caravan as a unit for residential purposes, in its own right, it is typically rectangular in shape and relatively functional in appearance. Despite its limited scale, the functional form and uncharacteristic light colouring of the structure ensures that it stands out as an incongruous feature in relation both to its open surroundings and the darker construction materials of nearby buildings. Whilst I accept that it would be possible to subdue the presence of boundary fencing through the application of appropriate colouring, the existence of the prominent and extensive loose stone surface serves to exacerbate the visual harm, as would the addition of touring caravans and other domestic paraphernalia.
10. I have taken into account the relatively modest size of the site and that it accommodates a single pitch; that boundary fencing and the amenity building could be finished in suitably treated materials and also the presence of a brightly coloured container on the adjacent agricultural holding. However, notwithstanding these factors, I am in no doubt that the development appears stark and draws the eye. As such it results in harm to the character and appearance of the countryside.
11. I have considered whether this harm could be mitigated by landscaping measures, recognising that there is no expectation within the Planning Policy for Traveller Sites (PPTS) that sites must be adequately landscaped from the outset, and / or through controlling the precise siting of structures. However, because of the degree of visibility of the site from higher ground levels, it seems to me that despite the substantial additional landscaping measures proposed, these would take considerable time to become effective in assimilating the development; also that any benefit from discrete modifications to the siting of structures would be very limited. The visibility of the site would be exacerbated to a degree when external lighting is operational. I do not therefore concur with the appellant's point that the site is not prominent or obtrusive in the wider landscape.
12. Furthermore in order to achieve satisfactory visibility splays at the site access it would be necessary to remove a substantial length of the roadside boundary hedge. Whilst the interior of the site could continue to be substantially screened by fencing, replacement hedge planting would take time to mature, thus resulting in a visually harder and less well integrated site boundary.
13. The appellant raises the point that national policy, in the form of the PPTS, contemplates the development of such sites in rural and semi-rural settings, and that the inevitable consequence of this is that some degree of visual harm must be acceptable. I do not dispute this point and I accept that caravans are seen in the countryside, however equally this is not to say that all such development must be acceptable. I am mindful that the PPTS also recognises

that local planning authorities should have due regard to the protection of local amenity and the environment.

14. To my mind the site does not conform with undisputed guidance in the Cumbria Landscape Character Guidance and Toolkit which states that the visual impact of caravan sites should be minimised, and which seeks to conserve and enhance landscape character. I conclude that the development conflicts with criterion 5 of Policy HO 11 of the Carlisle District Local Plan 2015 – 2030 (LP) which requires sites to be well planned, to be contained within existing landscape features, or capable of being appropriately landscaped to minimise impact. I also find conflict with Policy GI 1 of the LP which requires that all landscapes should be protected for their intrinsic value.

Highway Safety

15. From my visit it was apparent that the vehicular egress arrangement at the site is currently unsatisfactory due to the boundary hedge causing very restricted visibility to the north.
16. The appellant submitted a speed survey in support of the proposal. Whilst there is no dispute regarding the speed survey methodology undertaken, or that the site access would need to be relocated northwards along the site frontage in order to ensure satisfactory visibility, the parties do not agree with regard to the detailed design standard of visibility splay required.
17. The Council's position is that the findings of the survey indicate that a visibility splay to the nearside kerb edge of 51 metres to the north and 49 metres to the south is required. The appellant says that, taking into account guidance in Manual for Streets (MfS) and Manual for Streets 2, there is scope for some flexibility in design, such that the splay does not need to strictly adhere to the kerbside edge in order to accommodate the required distances.
18. I concur with the appellant's view that in terms of visibility to the north, it would be unlikely in this location that south-bound vehicles would seek to cross the centre line of the road, because the bend in the alignment of the road would tend to make this an unsafe manoeuvre. Accordingly I am satisfied that the splay in this direction could be relaxed to the centre line of the road in accordance with the MfS.
19. Similarly given that vehicles approaching from the south would become partially visible away from the kerbside edge and would be travelling at a distance from the kerb line, I accept that this would allow for a degree of adjustment of the corresponding splay. Therefore whilst the position of the site access must be relocated in the interests of safety, a modest relaxation to the overall standard of the splay design would mean less of the boundary hedge along the site frontage needing to be removed than might otherwise be the case.
20. I am satisfied that there would be adequate space within the site for vehicles to turn and, subject to the relocation of the site access and the implementation and retention of visibility splays which could be achieved through the imposition of a planning condition, I consider that the development does not result in harm to highway safety. In this regard it would not therefore be in conflict with criterion 8 of Policy HO 11 of the LP or with the National Planning

Policy Framework (the Framework) which seek adequate access arrangements and the mitigation of any significant impacts on highway safety.

Location and Accessibility

21. The PPTS states that local planning authorities should very strictly limit new traveller site development in the open countryside that is 'away from' existing settlements or outside areas allocated in the development plan. Policy HO 11 of the LP supports the development of sites that allow for integration with, whilst not dominating, the closest settled community; that enable reasonable access to key services and facilities and in relation to which there are opportunities to gain access by public transport, walking or cycling.
22. In terms of the nearest settlement it is common ground that the appeal site is some 900 metres from the village of Irthington and around 2.5 miles from the centre of Brampton, a larger town. Irthington has a primary school, public house and church, and as such it would be necessary to travel to Brampton to reach a wider range of day to day services and facilities. There is an absence of formal footways linking the site with these settlements, no evidence provided of a convenient bus service, and it would be realistic to conclude that for safety, convenience and distance reasons there would be significant reliance on the private car in order to gain access to services and facilities.
23. However, the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Despite the likelihood of a very high degree of reliance on the private car, it seems to me that the length and duration of journeys necessary to access essential services and facilities would be relatively moderate for a rural location. I consider that this weighs significantly in favour of the conclusion that the appeal site should not be regarded as 'away from' existing settlements, and would be commensurate with the findings in previous appeal cases that have been referred to me by the appellant¹. It seems to me that this conclusion would also be consistent with the Council's own views when allowing housing in Newtown, in relation to which I have no evidence that a convenient bus service operates, and from where the need for car travel to nearby settlements would be highly likely.
24. For the aforementioned reasons I consider the site has reasonable access to key services and facilities and whilst use of sustainable means of travel to get there may be unlikely, there would nevertheless be the opportunity to do so by means of cycling or walking.
25. I am mindful that the Framework states that the development of isolated homes in the countryside should, subject to certain limited exceptions be avoided. Whilst the appeal site is physically separate from the nearest settlement of any significant size, I have concluded, in accordance with guidance in the PPTS, that the site would not be 'away from' existing settlements. Furthermore, it is situated in close proximity to two other dwellings. Opportunities for integration with the closest settled community therefore exist which, because of the limited scale of the development in this case, would not dominate or unacceptably harm that community.

¹ Refs APP/L3245/A/14/2215836; APP/R0660/W/15/3137298 & APP/J0405/C/13/2193601

26. The Council has referred in its statement to a previous appeal decision relating to a different site, and in particular to the Inspector's conclusion that the site in question was not a suitable location for gypsy and traveller accommodation². I have not been presented with full details of that case, however notwithstanding this, each case must be dealt with on its individual merits. The specific circumstances of cases will inevitably differ, and in this appeal, for example, I have found the development to be consistent with the likely travel patterns associated with new development in Newtown. It does not therefore automatically follow that the appeal site should be deemed an unsuitable location for gypsy accommodation.
27. Drawing the above considerations together I conclude that the development accords with criteria 1,2 and 3 of Policy HO 11 of the LP insofar as it seeks to achieve integration with the settled community, reasonable access to key services and facilities with the opportunities for access by public transport, walking or cycling.

Need

28. Paragraph 7(b) of the PPTS states that local planning authorities should prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the lifespan of the development plan. The Council's most recent Gypsy and Traveller Accommodation Assessment (GTAA) was produced in 2013. When adjusted for the plan period (until 2030), the LP recognised a requirement for some 17 pitches.
29. The PPTS states that local planning authorities should identify a 5-year supply of specific deliverable sites. It was undisputed at the Hearing that 17 pitches have either been delivered or permitted over the plan period to date. The Council's position is that when added to a plan allocation for nine permanent residential pitches adjacent to Low Harker Dene, this amounts to a demonstrable 5-year supply of sites.
30. By contrast the appellant says that the 17-pitch requirement has been taken up within the first half of the plan period, indicating that the requirement is greater than anticipated, based on the rate of sites coming forward. He says that the local plan requires that the need for pitches should be regularly reviewed to determine the extent to which the requirement is changing and that this has not happened, as the GTAA is now some 8 years old and accordingly is out of date.
31. The Council reported that it is in the process of updating its GTAA, the production of which has understandably been delayed due to the ongoing public health emergency. Nevertheless, the fact that a review is underway seems, by its nature, to acknowledge that the existing GTAA is several years old and may possibly lead to different findings regarding need. In addition the Council was unable to satisfactorily respond to the appellant's challenges regarding the nature of assumptions underlying the rate of turnover of sites and the lack of regard for household formation rates. This, the appellant considered, was likely to suppress the true level of need identified by the GTAA.

² Ref APP/Z3825/W/17/3188057

32. Whilst the Council says that it has held discussions with the developer with regard to bringing forward the site at Low Harker Dene for permanent pitches, to date there has not been a planning application for this, and no clear indication as to when the site will be delivered. Furthermore it did not dispute the appellant's points, firstly that whilst pitches may become available at an existing site at Low Harker Dene (Ghyle Bank Park), only touring caravans could be accommodated there, and secondly that whilst a 12-pitch caravan site at Brampton may now be available for permanent occupation, this was not actually a gypsy site.
33. In addition, given the number of caravans proposed, in this case to accommodate the appellant's extended family, I have not been provided with any substantive evidence to contradict the appellant's point that in relation to two further sites at Low Harker (Hawthorns and Atchin Tan) pitches are either unavailable or otherwise unsuitable due to their restricted size.
34. It would appear that the appellant and another resident were evicted from the site where they used to live³ as a result of an on-going dispute between them. I have no reason to doubt this means that the appellant would not be able to return to live at that site. The Council has not drawn my attention to or provided further evidence of specific suitable alternative sites clearly being available, and it seems to me that there would be a high risk of the appellant being made homeless and resorting to living on the roadside in the event of the appeal failing.
35. Reference was made at the Hearing to a number of unauthorised sites being developed in the area. I do not concur with the appellant that this factor, in itself, can be said to clearly demonstrate additional need, without further information regarding the circumstances of these developments.
36. However I do agree that the existing GTAA is now a relatively aged document. Drawing the above considerations together, including the development plan requirement to regularly review need, I am unable to conclude, because of the age of the GTAA, that an up to date 5-year supply of deliverable sites exists. Moreover, I am also unable to conclude, on the basis of evidence before me, that an outstanding / unmet need for gypsy and traveller site provision does not exist. These factors, in particular that the appellant has nowhere else to go, therefore carry significant weight in the overall planning balance.

Personal Circumstances

37. The appellant has set out that he was evicted from a previous site due to a conflict issue. He has three children from a previous relationship who visit and stay with him for a number of nights per week. Apparently, the children were not permitted by their mother to visit at the previous site, due to issues of tension there. The appeal site therefore allows better opportunities for the appellant and his children to see one another.
38. It is also apparent that the appellant's present mother-in-law is in remission regarding throat cancer, also that she is experiencing mental health issues. The appellant's mother-in-law is based some six miles away and daily visits to her need to be made by the appellant's wife, who is her main carer, in order to administer essential physical care procedures. Planning permission would

³ Hadrian's Park

enable her to move to the site, which would make it easier for the care arrangements to be administered. It would also appear that the appellant's wife has previously received treatment for cancer, and also for anxiety and depression regarding uncertainty about the site.

39. The appellant states that the site would provide a settled base, from which the necessary specialist health care required can be gained and which would enable living together as a traditional extended family group. He says that a settled base would also be in the best interests of the children, as the site would give them the best opportunity for a stable and secure family life with their father and stepmother, with opportunities for play and personal development.
40. Article 8 of the Human Rights Act 1998 states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial. Article 8(2) provides that interference may be justified where it is in the interests of, amongst other things, the economic well-being of the country, which has been held to include the protection of the environment and upholding planning policies. I am also mindful that 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 all actions by public authorities concerning children.
41. Furthermore in exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity. The Act recognises that race constitutes a relevant protected characteristic for the purposes of PSED. Romany Gypsies and Irish Travellers are ethnic minorities and thus have the protected characteristic of race. I am mindful that age and disability are also relevant protected characteristics.
42. I have not been provided with documentary evidence to corroborate the aforementioned family and health circumstances. However I note that the Council do not seek to challenge the appellant's claimed personal circumstances regarding children and health issues. Furthermore the appellant is professionally represented by a prominent consultant in the field whose reputation would be at stake, and which in my view gives credibility to the various claims.
43. With regard to the appellant's children I have no reason to doubt that the presence of a settled base at which to visit their father and stepmother would be beneficial to their social development. It would appear that at present the children live a relatively short distance from the site and as such the failure of the appeal could mean that it would be more difficult to meet up in future. This consideration is, however, tempered by the fact that the appeal site does not provide a permanent base for the children, who would not themselves be at risk of homelessness in the event of the appeal failing. There would nevertheless be clear benefits to the children which attracts a moderate degree of weight in the overall planning balance.
44. I recognise that the site would enable different generations of the same family to live together. This would help to facilitate the care arrangements for the appellant's mother-in-law and would be consistent with the Traveller tradition of living in extended family groups for mutual care and support. The loss of

the appeal site would prevent such an arrangement in this location, in addition to which the existing care arrangements might become more strained or difficult to continue. This consideration therefore also attracts moderate weight.

Other Matters

45. The Council states that the intentional unauthorised nature of the development is a material consideration in line with Government policy, that should be given adverse weight. It seems to me that the appellant's unsatisfactory living conditions prior to moving to the appeal site helps to explain the urgency of relocating there. Furthermore I note that not all of the proposed development has been implemented, which so far appears to be largely focussed on securing a habitable environment. There is also some scope to carry out planting that will help to mitigate, although not completely remove, visual harm in the longer term. I am also mindful that the Act makes provision for a grant of retrospective planning permission and planning enforcement that is remedial rather than punitive. In light of these considerations I attach only very limited weight to the intentional unauthorised nature of the development.
46. I have considered the various representations from third parties. As to the appellant's gypsy status, this is not challenged by the Council. The appellant set out at the Hearing that he travels to various locations in the United Kingdom to work, normally in the spring and summer months, though his normal travel patterns had been disrupted by the ongoing pandemic. I have no reason to doubt this.
47. I have been provided with no evidence that, subject to a condition to control surface water drainage, the site would be at risk from flooding. Similarly there is no evidence to persuade me that a water and electricity supply cannot be achieved, or waste from the site managed. As to concerns regarding dog breeding, the appellant denies this has taken place. However in any event this would be covered by a planning condition that could be imposed, preventing commercial activity on the site.
48. Reference is made to the site being close to the Hadrians Wall route. However neither the Council nor Historic England have objected to the development on heritage grounds, and I see no reason to take a contrary view. I consider that the proposed planting of hedgerows and trees would satisfactorily mitigate harm to biodiversity caused by the removal of natural features undertaken to accommodate the development.
49. I have considered the argument that the grant of planning permission would set a precedent for further development and expansion on the wider site. However each application and appeal must be determined on its own individual merits and a generalised concern of this nature would not in itself justify withholding planning permission in this case.

Planning Balance

50. The development results in harm to the character and appearance of the countryside. For the above reasons I give significant weight to this consideration as a reason to resist the development. The unauthorised nature of the development, in itself, in this case attracts only very limited weight.

51. Subject to conditions, the development would cause no unacceptable harm to highway safety and would not be in a location 'away from' a settlement or too remote from services and facilities. These 'absences of harm' do not weigh in favour of the appeal.
52. However, there are considerations which support the appeal. I attach significant weight to the need for and under-supply of traveller sites in the Borough, including the lack of any available, suitable alternative site. I also attach moderate weight to the appellant's personal circumstances.
53. The balance is therefore in favour of granting planning permission. I am mindful that the forthcoming review of the GTAA, together with the possibility of the aforementioned local plan allocation coming to fruition, could potentially alter the weight to be given to need for sites, however the situation is uncertain. Therefore when considering the visual impact of the development, it seems to me that a personal planning permission would be most appropriate in this case. This would recognise the appellant's personal circumstances, allowing the appellant's present mother-in-law to move to the site as a resident dependant, and would allow the appearance of and need for the site to be re-evaluated at such a time when the appellant ceases to live there.
54. In view of the above findings I am satisfied that the development would conform with Policy SP 2 of the LP, insofar as it states that development will be assessed against the need to be in the location specified.

Conditions

55. I have had regard to the conditions suggested by the Council and the appellant. A condition confirming the approved plans is necessary in the interests of certainty. The permission is personal and accordingly a condition restricting occupation to the appellant, his wife and resident dependants is necessary. Conditions requiring the restoration of the site when occupation ceases; the site not to be sub-divided to form additional pitches; limiting the number of caravans stationed and commercial vehicles parked and preventing commercial activity on the site are all required in the interests of helping to safeguard the character and appearance of the area.
56. A condition confirming the loss of the permission unless details are submitted for approval (including a timetable for implementation) concerning foul and surface water drainage, external lighting, boundary treatment, landscaping and the site restoration is required in order to ensure the site is serviced with adequate infrastructure and to help safeguard the character and appearance of the area.
57. Conditions requiring the provision and retention of a suitable visibility splay; the closure of the existing unsuitable access; preventing loose material from being brought onto the highway and controlling the opening of access gates are required in the interests of highway safety.

Conclusion

Appeal A

58. It is clear that the description of the development in the enforcement notice is incorrect in that it should refer to the residential use of the site both in the alleged breach of planning control and the requirements. The appellant and

the local planning authority agreed at the Hearing that it was open to me to correct the allegation and requirements in the notice. I am satisfied that no injustice will be caused by this and I will therefore correct the enforcement notice in those two respects, in order to clarify the terms of the deemed application under section 177(5) of the 1990 Act as amended.

59. For the reasons given above I conclude that the appeal should succeed on ground (a) and I will grant planning permission in accordance with the application deemed to have been made under section 177(5) of the 1990 Act as amended, which will now relate to the corrected allegation.

60. The appeal on ground (g) does not therefore need to be considered.

Appeal B

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

Formal Decisions

Appeal A

62. It is directed that the enforcement notice is corrected by:

Inserting the words "for residential use" immediately after the words "gypsy site" in paragraph 3(c); and

Inserting the words "ceasing the residential use and" immediately after the words "status by" in paragraph 5(a); and

Deleting the words "pedestrian gate" in paragraph 5(a) and substituting the words "gate to their condition before the breach took place" instead.

63. Subject to these corrections the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely (a) Formation of an unauthorised vehicular access; (b) Formation of an unauthorised hardstanding and fencing; and, (c) Unauthorised formation of gypsy site for residential use by the siting of 1 no. static unit, kennels, associated outbuildings and site lighting at Field 7449, 'Old Mothers Meadow', Irthington, Carlisle CA6 4NS as shown on the plan attached to the notice and subject to the conditions below.

Appeal B

64. The appeal is allowed and planning permission is granted for material change of use of land to use as a residential caravan site for one Gypsy family with 3 caravans, including no more than 1 static caravan/mobile home, including laying of hardstanding, erection of ancillary amenity building and access improvements at 'Old Mothers Meadow', Land opposite Irthing Mill, Irthington, Carlisle CA6 4NS in accordance with the terms of the application, ref 19/0649, dated 18 August 2019, subject to the conditions below.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1. Site Location Plan, received 19th August 2019; 2. Site Layout Plan (revised following the Hearing and attached to this decision); 3. Floor Plan of Proposed Day Room, received 19th August 2019; 4. Front Elevation of Proposed Day Room, received 19th August 2019; 5. Rear Elevation of Proposed Day Room, received 19th August 2019; 6. Side Elevation of Proposed Day Room, received 19th August 2019; 7. Side Elevation of Proposed Day Room, received 19th August 2019.
- 2) The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants: Mr Andrew Thomson and Mrs Louisa Thomson.
- 3) When the land ceases to be occupied by those named in condition 2 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.
- 4) The development hereby approved shall remain as a single gypsy pitch and shall not be subdivided or occupied independently in any manner.
- 5) No more than three 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 one shall be a static caravan, shall be stationed on the site at any time.
- 6) No commercial activities shall take place on the land, including the storage of materials.
- 7) No more than one commercial vehicle shall be kept on the site for use by the occupiers of the caravans hereby permitted and this vehicle shall not exceed 3.5 tonnes in weight.
- 8) 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 two months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) within three months of the date of this decision a scheme for the means of foul and surface water drainage of the site; external lighting; boundary treatment; landscaping including tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; and the restoration of the site in accordance with condition 3 (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation;
 - ii) if within 11 months of the date of this decision the local planning authority refuse to approve the site development scheme or fail to give a decision within the prescribed period, a valid appeal shall have been made to 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 site development 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.

Upon implementation of the approved site development scheme specified in this condition, that scheme shall thereafter be retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 9) Within three months of the granting of this permission the new access shall have been created and visibility splays providing clear visibility of the centre line of the carriageway 51 metres to the north and of the point in the carriageway 1 metre from the nearside kerb edge 49 metres to the south, from the point 2.4 metres along the centre of the access road, back from the carriageway edge of the nearside channel line, shall have been provided at the junction of the access road with the county highway (as shown on the Site Layout Plan attached to this decision). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to be grown which obstruct the visibility splays. The visibility splays shall be constructed before use of the new access commences. The visibility splays shall thereafter be retained.
- 10) The sealed surface of the access road shall extend for at least 10 metres, as measured from the carriageway boundary, shall be provided prior to the access being brought into use and shall be carried out in accordance with details of construction which shall have been previously approved by the local planning authority.
- 11) Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 4.5m as measured from the carriageway edge of the adjacent highway and shall incorporate 45-degree splays to each side.
- 12) Within 3 months of the granting of this permission the existing vehicular access to the site shall be permanently closed in accordance with details to be previously agreed in writing by the local planning authority.

END OF SCHEDULE OF CONDITIONS

APPEARANCES

FOR THE APPELLANT:

Philip Brown	Agent
Andrew Thomson and Louisa Thomson	Appellant and appellant's wife

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Daniel	Principal Planning Officer
Peter Allan	Flood and Development Management Officer

DOCUMENTS SUBMITTED FOLLOWING THE HEARING

1. Site Layout Plan



Plan

This is the plan referred to in my decision dated: 02 June 2021

by Roy Merrett Bsc(Hons) DipTP MRTPI

Land at: 'Old Mothers Meadow', Land opposite Irthing Mill, Irthington, Carlisle
CA6 4NS

References: APP/E0915/C/20/3248752 and APP/E0915/W/20/3248748

Scale: Not to Scale

