



Appeal Decisions

Hearing Held on 27 July 2021

Site visit made on 29 July 2021

by Roy Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2021

Appeal A Ref: APP/H1840/C/20/3256744

Land on the north side of Charlton Lane, Torton, Kidderminster DY11 7SD

- 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 Steven Lock against an enforcement notice issued by Wychavon District Council.
- The enforcement notice was issued on 26 June 2020.
- The breach of planning control as alleged in the notice is 3.1 Without planning permission, the unauthorised material change of use of land from agricultural to a mixed use of agricultural and for the siting of a touring caravan for permanent residential occupation, approximately hatched green on the attached plan; 3.2 Without planning permission, the erection of a wooden day-room building for use as a dayroom ancillary to the siting of the touring caravan, approximately hatched red on the attached plan; 3.3 Without planning permission, the erection of a brick building housing an electrical unit, approximately hatched blue on the attached plan.
- The requirements of the notice are 5.1 Permanently cease the siting of the touring caravan for permanent independent residential occupation and to remove any associated domestic paraphernalia on the agricultural land, as approximately hatched green on the attached plan; 5.2 Permanently remove wooden dayroom building erected on the agricultural land, approximately hatched red on the attached plan; 5.3 Permanently remove the brick building housing an electrical unit on the agricultural land, approximately hatched blue on the attached plan.
- The period for compliance with the requirements is 6 months.
- 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 a temporary personal planning permission is granted in the terms set out below in the Formal Decision.

Appeal B Ref: APP/H1840/W/20/3256477

Land off Charlton Lane, Torton, Hartlebury DY11 7SD

- 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 S Lock against the decision of Wychavon District Council.
- The application Ref 19/02686/FUL, dated 12 December 2019, was refused by notice dated 16 March 2020.
- The development proposed is Five new gypsy plots each comprising one touring caravan, one static caravan and one utility block.

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

Preliminary Matters

1. Prior to the Hearing the Council reported that since serving the enforcement notice, further residential related development had occurred on the site. It was apparent from my visit that an additional touring caravan was present. Having consulted on and discussed this with the parties at the Hearing, I am satisfied, with regard to Appeal A, that the wording of the notice, both in terms of the alleged breach and the requirements can be amended to capture the progressive development on the site, without resulting in injustice.
2. At the Hearing the appellant confirmed, with regard to the Appeal B, that he no longer sought the extent of development proposed in the application. Rather he proposed to reduce the scale of development to allow for a maximum of three pitches. A revised site layout plan was produced, and the Council were provided with the opportunity to comment on this. I am satisfied that I can base my decision on this amendment without causing prejudice to other parties.

Appeal A on ground (a) and Appeal B

Main Issues

3. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the development on the openness of the Green Belt;
 - whether the development can be regarded as being within a sustainable location;
 - the significance of the need for gypsy / traveller sites;
 - the personal circumstances of the site occupiers;
 - If the development is inappropriate, whether the harm to the Green Belt by way of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt

4. Paragraph 137 of the Framework sets out that the essential characteristics of Green Belts are their openness and their permanence. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 138 notes that the Green Belt has five purposes which include safeguarding the countryside from encroachment. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. There is no dispute between the parties that the proposal would amount to inappropriate development, indeed the Government's Planning Policy for

Traveller Sites (PPTS) expressly states that such sites in the Green Belt are inappropriate development.

6. The assessment of impact on openness is about considering the presence of the development in the context of national policy which seeks to keep Green Belt land permanently open, thus avoiding urban sprawl. This specific assessment is not about the quality of the development, including the suitability of materials used, in itself, or its effect on the character and appearance of the area.
7. The Court of Appeal has confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect¹. I am in no doubt that the various caravans and buildings as proposed, and also the development as existing on the site despite its limited scale, would take up space that would previously have been free from development.
8. Aside from taking up space, it was apparent from my visit that the development, both as existing and proposed would result in a degree of visual intrusion viewed from within the site itself. The development is, and as proposed would be, visible albeit fleetingly in long distance views from part of the road known as Quarry Bank in Hartlebury. From eastern and western approaches to the site along Charlton Lane and Leapgate Lane the site is screened by tall dense hedges lining the highway. From the site entrance the present development is sufficiently set back beyond the brow of a hill and a line of dense vegetation, such that only the tops of some of the structures are visible against the backdrop of dense boundary hedging along the northern boundary. The development as proposed would be somewhat closer to the brow of the hill and will therefore be more visible, albeit I acknowledge that additional screening by way of fresh landscaping measures is proposed. The site is accessed via an extension to an existing track. This extension, however, does not create any additional built volume.
9. Drawing the above considerations together, including scale and visibility, I conclude that both the existing and proposed development of the site would amount to inappropriate development, which in both existing and proposed form results in moderate harm to the openness of the Green Belt.

Sustainability of Location

10. 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 SWDP 2 of the South Worcestershire Development Plan 2016 (DP) is concerned with development strategy and settlement hierarchy. It states, amongst other things, that the open countryside is defined as land beyond any development boundary and that in the open countryside development will be strictly controlled and allowed only in exceptional cases. Such cases would include development specifically permitted by other DP policies.
11. Policy SWDP 17 of the DP states that the Council will assess the suitability of proposals and planning applications for gypsy and traveller sites against a range of criteria. These criteria include whether the site is within or on the edge of a town or Category 1,2 or 3 settlement (these being villages that

¹ *Turner v SSCLG & East Dorset Council* [2016]

- provide a varying range of services and facilities). In terms of how 'edge of settlement' is defined, the Council confirmed at the Hearing that it has applied a maximum distance of some 800 metres from the settlement boundary, when identifying appropriate sites within its emerging site allocations document.
12. Within the Statement of Common Ground the parties have set out that the village of Hartlebury, which contains a limited number of services and facilities is some 2 kilometres away from the site by road. Here there is a shop / post office (2.4km) and a primary school (2.2km). There is another primary school in the nearby village of Wilden, some 1.9 kilometres away.
 13. The larger centres of Stourport and Kidderminster are both undisputed to contain a full range of services. Stourport is some 3-4 kilometres by road to the west from the appeal site, with Kidderminster being located a similar distance to the north. It would be necessary to travel to Stourport or Kidderminster in order to access a wider range of day-to-day services and facilities.
 14. The site lies beyond the Council's threshold distance for site allocations, and I concur with the view that it should not be regarded as being located on 'the edge of' a settlement. In this regard I find that the site would be in conflict with the relevant criterion in Policy SWDP 17, and by implication with Policy SWDP 2 as well.
 15. However, the identification of sites that are situated on 'the edge' of settlements with services and facilities is not necessarily consistent with the approach of the PPTS wording, which seeks to avoid sites that are in the open countryside 'away from' settlements. Indeed the appellant's position is that a settlement does not need to be one that contains facilities, within the context of the PPTS guidance on proximity to settlements. He has referred to the relationship of the site to the nearest dwellings and the dispersed nature of development in the surrounding area. I also note that it is common ground that the site is less than 800 metres from Summerfield, on the edge of Kidderminster (though this settlement would appear to be part of a neighbouring Council area).
 16. There is an absence of formal footways linking the site with the aforementioned settlements and it would be necessary to walk several hundred metres along Charlton Lane, a single vehicle width route, in order to access a convenient bus service operating on the A449 road. It would be realistic to conclude that for reasons of convenience, distance and safety during hours of darkness there would be significant reliance on the private car in order to gain access to a full range of services and facilities.
 17. 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. Furthermore the choice would be available of making the short journey to either of two relatively large settlements, situated close to the site. In addition, I consider that the location of the site does at least offer the opportunity to gain access to day-to-day services by cycling or use of the bus. Sustainable travel choices are therefore available to a degree. I do not therefore find conflict with Policy SWDP 4 of the DP in this regard.

18. The overall distances that would need to be travelled in order to access a range and choice of services are likely to be limited for the above reasons. 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 that the site should be seen as a relatively sustainable location. This would be commensurate with the findings in previous appeal cases that have been referred to me by the appellant². In this context I do not consider the development to be inconsistent with the objective in Policy SWDP 4 to minimise demand for travel.
19. 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.
20. The nearest dwellings and farmsteads to the site on Charlton Lane are few in number and loosely dispersed along the road. The nearest of these properties is visible from the appeal site, between 200 and 300 metres to the south-east. Whilst the area surrounding the site is only very sparsely developed, having regard to the proximity of the nearest dwelling, and the relatively dispersed layout along Charlton Lane, I do not consider the site to be in a physically isolated or remote location.

Need for Gypsy and Traveller sites

21. 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 PPTS also states that local planning authorities should identify a 5-year supply of specific deliverable sites.
22. Based on the most recently published Gypsy and Traveller Accommodation Assessment (GTAA) 2019 the Council has produced a note of its 5-year supply position as of June 2021. Relying on planning permissions that have been granted it concludes a marginal supply surplus (3 pitches) when applying the PPTS definition of gypsies and travellers. Although the appellant raises the concern that this fails to take into account the accommodation needs of all those meeting the ethnic definition, I am satisfied that the Council's approach to gypsy and traveller need accords with the definition set out in national policy.
23. Notwithstanding that there is a dispute as to whether one of the pitches granted planning permission is for a temporary period only, and which could not therefore be regarded as part of the long-term supply, the appellant considers that the stated surplus also relies erroneously on a number of personal planning permissions. He considers that such personal permissions could not be relied on to sustain the supply of accommodation. For example if the head of the household were to die the permission could not then be relied on by the dependants of that person and would therefore lapse.

² Refs APP/L3245/A/14/2215836 & APP/J0405/C/13/2193601

24. However there is no evidence before me to indicate that the lapse of personal permissions is a frequent occurrence. It therefore seems to me, on balance, that it would be wrong to assume that on the whole personal planning permissions do not endure for a substantial period of time and should not therefore be regarded as part of the supply of accommodation.
25. In addition the appellant is critical of the GTAA on the basis that it does not necessarily capture accurately the accommodation needs of all travellers in the household. The Council provided an extract from the 2019 GTAA survey questionnaire relating to travelling patterns and behaviours. Whilst I am not persuaded that this extract, in particular, serves to scrutinise in detail the travel tendencies of individual household members, it is nevertheless apparent from the final report that the GTAA sought to estimate and allow for new family formation. In the absence of evidence that this process was in some way flawed, I have no reason to doubt the reliability of the assessment.
26. The appellant raises the concern that the 2019 GTAA has not been subject to the scrutiny of a formal examination process. However the appellant did concede at the Hearing that he does not regard earlier iterations of the GTAA, or indeed a subsequent addendum and monitoring report as providing a more reliable indication of present need. This is despite the earlier GTAA having been subject to formal examination and therefore closer scrutiny as part of the preparation of the South Worcestershire Development Plan. It therefore seems to me that, despite not yet having been subject to formal scrutiny, there is a lack of evidence to undermine the view that the 2019 GTAA constitutes the most robust and up to date assessment of need or that the methodology used to conduct this study is sound. I therefore conclude that the Council is able to demonstrate an up to date 5-year supply of deliverable sites.
27. However, notwithstanding this, the Council has not been able to identify any suitable and available alternative sites for the appellant within the District or the wider area. This indicates that there is an immediate unmet need for sites which weighs in favour of the development.

Personal Circumstances

28. 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.
29. 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.

30. It is undisputed by the Council that two of the three households proposing to occupy the respective pitches on the site, and who were confirmed by the appellant to be living at the site at the time of my visit, include children. One of those households includes two teenage children, one of whom still attends school in Stourport, with the other child now having left school but still in receipt of educational and vocational support.
31. There can be no doubt that if the appeal was unsuccessful it would take away a settled base for that household, who may potentially need to resort to living on the roadside and face disruption to the children's educational provision as a result. I am mindful that it may be difficult to enrol children in school and /or maintain a child's attendance if they have no fixed address. I consider that because there would be a clear benefit to the teenage children of remaining on site, as part of a settled base within an extended family group for mutual care and support, that this should attract significant weight in the planning balance.
32. It is also apparent that all present on the site are registered with a doctor in Stourport. I am mindful that health care provision could be disrupted if the families are forced to leave the site.
33. Drawing the above considerations together I attach significant weight to personal circumstances in this case.

Other Matters

34. There have been a number of further matters raised by third parties. As set out above there are limited vantage points from where the site is visible. In terms of short distance views, despite its elevated position the site is substantially concealed by the topography of the ground and by existing planting. I acknowledge that the site may be visible from parts of the nearest residential property to the south-east of the site. However I am mindful that boundary planting measures are proposed that the Council accept will serve to mitigate visual impact in the longer term. I also acknowledge that concerns have been raised regarding the removal of hedge in the vicinity of the site access but that this appears to have been accepted by the Council as part of previously approved access improvements to the field. There are very limited views of the site from long distance, which inherently serves to mitigate the detail and scale of development present there.
35. Accordingly I am not persuaded that the development, either in its existing or proposed form, would result in any harm to the character and appearance of the area. I am also in no doubt that the site is not situated close enough to result in harm to the setting of the Hartlebury Conservation Area. The scale of development, now restricted to three pitches, would not be sufficient to dominate the nearest settled community.
36. In terms of the safety of vehicular access to and from the site, I noted during my visit that Charlton Lane is a single vehicle width track, where opportunities for vehicles to pass one another appear to be severely limited without encroachment onto private property. I am also aware of photographs provided showing signage to indicate that Charlton Lane is unsuitable for Heavy Goods Vehicle use.
37. However I am not persuaded that Charlton Lane is a busy road and when taking into account the limited scale of development proposed and also that the

movement of caravans is likely to be an occasional rather than frequent occurrence, I do not consider that any material harm to highway safety would be likely, despite possible occasional inconvenience to the free flow of traffic. There is no information to persuade me that the site could not be accessed by emergency vehicles, should the need for this ever arise.

38. I have also given careful consideration to the concerns raised regarding the need for pedestrians to use the road in the absence of a footway, some of whom may be disabled, and therefore the potential for vehicles and pedestrians to come into conflict with one another. I noted during my visit that signage is in place warning motorists of the potential for pedestrian use of the road. When considering the standard of forward visibility and that the narrowness of the lane would likely serve to limit the speed of most drivers, I do not consider that the limited additional traffic attributable to the site would result in pedestrian safety being compromised.
39. I reach the above conclusions, mindful of the lack of an objection to the development on highway grounds from the Council. I am satisfied that visibility for drivers emerging from the site onto Charlton Lane would be satisfactory.
40. The site would be situated far enough from the nearest residential properties, such that harm to living conditions would not be expected to occur. There is no evidence to persuade me that a water and electricity supply cannot be achieved, or waste from the site managed.
41. In terms of wildlife interests, there is no evidence before me to suggest that the site should be protected for habitat reasons or that any protected species would be threatened. Whilst I accept that the development would result in some loss of agricultural land, the area in question is relatively small and there is no reason to expect that there would be material harm to agricultural production. I note that some concerns have been raised regarding the straying of animals associated with the site, however this would not be a sufficiently compelling reason to refuse planning permission.
42. I have considered the argument that the grant of planning permission would set a precedent for similar developments. 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.
43. With regard to concerns raised about the impact of the development on property value, it is not the purpose of the planning system to protect the private interests of individual parties, and as such this consideration would not attract weight in the planning balance.

Green Belt Balance

44. National planning policy attaches great importance to Green Belts. Therefore when considering any planning application substantial weight should be given to any harm to the Green Belt. The appeal site developments are inappropriate in the Green Belt. In addition, the residential use and associated structures, both in present and proposed form, cause a loss of openness and harm to the purposes of including land in the Green Belt.

45. I have found that the development 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 appeals.
46. There are considerations which support the appeals. I have concluded that the Council is able to demonstrate a 5-year supply of deliverable gypsy and traveller sites. However, having regard to advice in the PPTS when considering sites in Green Belt locations, I attach moderate weight to immediate unmet need for such sites as evidenced by the absence of an identifiable available, suitable alternative site. I also attach significant weight to the appellant's personal circumstances.
47. The PPTS states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. I have balanced the harm to the Green Belt against the other considerations referred to above. However for the reasons given, having regard to the PPTS and even when considering the best interests of the children, I find that they do not clearly outweigh the harm identified. The very special circumstances necessary to justify the developments have not therefore been demonstrated. Consequently the proposals conflict with the Green Belt protection aims of the Framework and Policy SWDP 2 of the DP, insofar as they seek to resist inappropriate development and changes of use which fail to preserve the openness of the Green Belt.
48. I have considered the development against the various criteria set out in Policy SWDP 17 of the DP. Its location within the Green Belt and not within or on the edge of a categorised settlement weigh negatively against the development. I am mindful that I have found the site not to be 'away from' existing settlements and the policy does not require all of the criteria to be met for the site to be deemed as suitable in overall terms. Nevertheless for the aforementioned reasons the grant of a permanent planning permission would not be appropriate.
49. However I also need to consider, by way of alternatives, the possibility of temporary or personal planning permissions instead. In principle I consider that a temporary permission (personal to the site occupiers) would serve to reduce the severity of harm identified. It would also allow for the possibility of alternative suitable sites becoming available within the Borough. On this basis I consider that a personal planning permission, limited to a temporary three-year period would be appropriate.
50. By contrast a temporary planning permission, that was not personal to the occupiers would not be appropriate, as the grant of temporary permission can only be justified by the additional weight of the appellant's personal circumstances. Similarly a personal planning permission on a permanent basis could mean the site being occupied for many years to come. I consider it remains the case that with such an arrangement the appellant's personal circumstances are not sufficiently compelling to offset the harm to the Green Belt that would be caused.

Conditions

51. I have considered the conditions suggested by the Council and discussed with the parties at the Hearing. Conditions confirming that planning permission is

granted for a temporary period of three years only; that occupation is restricted to the appellant, other specified occupiers and resident dependants and requiring remediation of the site following the expiry of the temporary permission or prior cessation of use, are necessary in the interests of environmental protection. A condition confirming the approved plans is necessary in the interests of certainty.

52. Conditions limiting the number of pitches and caravans stationed, the size of 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 and / or the living conditions of residents.
53. A condition confirming the loss of the permission unless details are submitted for approval (including a timetable for implementation) concerning the appearance of the utility buildings and mobile homes, soft landscaping works, boundary treatments, external lighting and surface water drainage measures is required in order to ensure the site is serviced with adequate infrastructure and to help safeguard the character and appearance of the area.

Conclusions

Appeal A

54. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the use as described in the notice, as corrected and subject to conditions. The appeal on ground (g) does not fall to be considered.

Appeal B

55. For the reasons given above I conclude that the appeal should be allowed and planning permission granted subject to conditions.

Formal Decisions

Appeal A

56. It is directed that the enforcement notice be corrected by deleting the wording in paragraphs 3.1 and 3.2 and by substituting the following wording instead:-

“3.1 Without planning permission, the unauthorised material change of use of land from agricultural to a mixed use of agricultural and for residential use (including the siting of touring caravans for permanent residential occupation approximately hatched green on the attached plan).

3.2 Without planning permission, the erection of a wooden day-room building for use as a dayroom ancillary to the residential use, approximately hatched red on the attached plan.”

57. It is directed that the enforcement notice be corrected by deleting the wording in paragraph 5.1 of the notice and by substituting the following wording instead:-

“5.1 Permanently cease the residential use of the land (including the siting of touring caravans for permanent independent residential occupation) and remove any associated domestic paraphernalia on the agricultural land.”

58. 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 Without planning permission, the unauthorised material change of use of land from agricultural to a mixed use of agricultural and for residential use (including the siting of touring caravans for permanent residential occupation approximately hatched green on the attached plan); Without planning permission, the erection of a wooden day-room building for use as a dayroom ancillary to the residential use, approximately hatched red on the attached plan; Without planning permission, the erection of a brick building housing an electrical unit, approximately hatched blue on the attached plan at Land on the north side of Charlton Lane, Torton, Kidderminster DY11 7SD as shown on the plan attached to the notice and subject to the conditions in the schedule below.

Appeal B

59. The appeal is allowed and planning permission is granted for Three new gypsy plots each comprising one touring caravan, one static caravan and one utility block at Land off Charlton Lane, Torton, Hartlebury DY11 7SD in accordance with the terms of the application Ref 19/02686/FUL, dated 12 December 2019, subject to the conditions in the schedule below.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The use hereby permitted shall be carried on only by the following and their resident dependants:- Pitch 1: Steven and Asa Lock; Pitch 2: Steven Lock (Junior) and Debbie Johns; Pitch 3: Martina Bridges, and shall be for a limited period being the period of three years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
- 2) When the premises cease to be occupied by those named in condition 1 above, or at the end of three years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.
- 3) Unless otherwise agreed in writing with the Local Planning Authority the development hereby approved shall be carried out in accordance with the following plans and specifications: Site Layout Plan 1:500 on A3 (showing 3 pitches); Utility Building Elevations & Floor plan 1:50 on A3 (Drawing number 2018-11-utility building); Utility Building Elevations & Floor plan 1:50 on A3 (drawing number 2018-11-double utility building Rev A 17 Dec 2019); Location Plan 1:2500 on A4 (4 November 2019); Access Details Plan 1:1250 on A4.

- 4) No commercial or industrial activities, including storage of vehicles, equipment and materials, shall take place on the land, and no vehicles above 3.5 tons in weight shall be parked on the site.
- 5) There shall be no more than three pitches on the site. Each pitch shall comprise no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, stationed on the site at any time (of which no more than one shall be a static caravan).
- 6) The use hereby permitted shall cease and all associated caravans and materials shall be removed from the site and all associated operational development, including ancillary buildings shall be demolished and removed from the site within **two months** of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within **two months** of the date of this decision details of the external materials for the utility buildings; the appearance of and external materials for the static mobile homes; the soft landscaping works including details of the species, positions and planted heights of proposed trees together with details of the position and condition of any existing trees and hedgerows to be retained; boundary treatments; external lighting arrangements and surface water drainage measures shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for their implementation.
 - ii) If within **ten months** of the date of this decision the local planning authority refuse to approve all the details or fail to give a decision within the prescribed period in respect of all the details, 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 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 shall thereafter be retained for the lifetime of the development.

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.

END OF SCHEDULE OF CONDITIONS

APPEARANCES

FOR THE APPELLANT:

Philip Brown – Agent

Steven Lock - Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Edward Simcox – Assistant Planning Officer

Jack Allen – Planning Enforcement Officer

Denise Duggan – Senior Planning Officer - Policy

Documents submitted following the Hearing:

1. Statement of Common Ground
2. Revised Site Layout Plan
3. Extract questions from GTAA survey
4. Appeal Decision APP/H1840/W/19/3244056