



Appeal Decisions

Hearing held on 22 June 2022

Site visit made on 22 June 2022

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2022

Appeal A Ref: APP/L3815/W/20/3254057

3 Melita Nursery Chalk Lane, Sidlesham, CHICHESTER, PO20 7LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Messrs W Hughes and M Goddard against the decision of Chichester District Council.
 - The application Ref SI/19/03112/FUL, dated 13 December 2019, was refused by notice dated 9 June 2020.
 - The development proposed is the material change in use of land to rear of dwelling for siting of residential caravans for 7 pitch Gypsy Traveller site with associated development (hard standing, fencing and utility buildings).
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Appeal B Ref: APP/L3815/W/20/3257880

3 Melita Nursery Chalk Lane, Sidlesham, CHICHESTER, PO20 7LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Messrs W Hughes and M Goddard against the decision of Chichester District Council.
 - The application Ref SI/20/01470/FUL, dated 14 June 2020, was refused by notice dated 17 August 2020.
 - The development proposed is change of use to a mixed use for siting of residential caravans for 3 pitch Gypsy Traveller site with associated development (hard standing, fencing and utility buildings).
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Decision

Appeal A

1. The appeal is allowed, and planning permission is granted for the material change in use of land to rear of dwelling for siting of residential caravans for 7 pitch Gypsy Traveller site with associated development (hard standing, fencing and utility buildings) at 3 Melita Nursery, Chalk Lane, Sidlesham, Chichester PO20 7LW in accordance with the terms of the application, Ref SI/19/03112/FUL, dated 13 December 2019, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed, and planning permission is granted for the change of use to a mixed use for siting of residential caravans for 3 pitch Gypsy Traveller site with associated development (hard standing, fencing and utility buildings) at 3 Melita Nursery, Chalk Lane, Sidlesham, Chichester PO20 7LW in accordance with the terms of the application, Ref SI/20/01470/FUL, dated 14 June 2020, subject to the conditions in the attached schedule.

Application for costs

3. An application for costs in respect to Appeal A was made by Messrs Hughes and Goddard against Chichester District Council. This application is the subject of separate Decision.

Preliminary Matters

4. There are two appeals submitted for similar developments at Melita Nursery. The site boundaries overlap. I have considered them together to avoid duplication. I have considered both developments on their individual merits, dealing with the issues relevant to both appeals and then specifying other issues as they relate to the individual schemes.
5. The addresses of Appeal A and Appeal B are stated slightly differently in the application forms and appeal documentation. It was clarified at the hearing that the address for both should be 3 Melita Nursery, Chalk Lane, Sidlesham. I have amended the banner heading above accordingly.
6. Appeal B is described as part retrospective though Appeal A is not. It was confirmed at the hearing that hardstanding had been put in place in respect to that part of the site subject to Appeal B and two caravans had been sited on the site. As the site boundaries overlap, both appeals should be considered to be part retrospective. I consider the appeals on this basis.
7. A draft unsigned and undated Statement of Common Ground was submitted by the appellant before the event. It was confirmed that this had been agreed by both parties. I have therefore taken account of it in my decision.
8. The appellant confirmed at the hearing that both developments are speculative. Personal circumstances are therefore not being relied on in support of the proposals, though clarification on the likely occupants was given at the event.
9. The appeal site lies within the 'zone of influence' for both the Chichester, Langstone and Pagham Harbour Special Protection Areas (SPAs). It has been identified that a net increase in residential development in these areas has the potential to result in significant harm to their conservation value due to increased recreational pressure. Whilst I accept that the development proposal would be likely to have limited effect on the integrity of the SPAs, in combination with other projects and developments in the area, those effects could be substantial. As the competent authority, I must undertake an Appropriate Assessment.
10. The appellant has submitted completed obligations in respect to both appeals, providing contributions to access mitigation measures linked to the Solent Disturbance Mitigation Project and a compatible scheme for Pagham Harbour. These projects include a package of wardens, education, green infrastructure improvements and monitoring. The payments and submitted obligations are in line with the Council's expectations and on that basis the Council accepts that this overcomes the harmful effects of the proposals. The Council confirmed at the hearing that they were no longer pursuing this reason for refusal.
11. I am satisfied that any harm arising from the developments in relation to the integrity of the SPA's would be addressed by these contributions. The proposals would therefore comply with Policies 50 and 51 of Chichester Local Plan (LP) and section 15 of the National Planning Policy Framework (the Framework)

which seek to protect such areas and ensure development does not result in any adverse effects.

Main Issues

12. The main issues for both Appeal A and Appeal B are;

- whether the site provides a suitable location for a Gypsy traveller site having regard to its location in relation to services and facilities and the perception of dominance of the local area;
- whether other material considerations, including the general need for and supply of gypsy sites, the accommodation needs and personal circumstances of the appellants outweigh any harm such as to justify the development.

In respect to Appeal A

- the effect of the proposal on the character of the area with particular regard to tranquillity;
- whether the proposal makes appropriate provision for drainage and minimises the risk of flooding.

In respect to Appeal B

- the effect of the proposal on the character and appearance of the area;
- the effect of the proposal on biodiversity.

Reasons

13. The appeal site forms part of Melita Nursery, formerly in horticultural use, located to the west of Chalk Lane, Sidlesham. Chalk Lane forms a narrow private road giving access to several dwellings as well as horticultural and commercial premises.

14. The wider site has a complex planning history. It was originally occupied by 4 gypsy and traveller pitches granted permission in 2005. Since then, planning applications for further pitches, lawful development certificates for the change of use of mobile homes to dwellings and replacement dwellings have been approved.

15. Appeal A proposes the provision of 7 pitches on the rear garden and paddock area of No. 3 Melita Nursery. Appeal B proposes a smaller scheme of 3 pitches on the rear garden area only.

Suitable location (Both appeals)

16. Paragraph 25 of the Planning Policy for Traveller Sites (PPTS) advises that local planning authorities should strictly limit new traveller sites development in the open countryside that is away from existing settlements or outside areas allocated in the development plan.

17. The Council's first reason for refusal states that as the site is located a significant distance from key services and facilities found within recognised settlements it is therefore in an unsustainable location. It is agreed in the Statement of Common Ground that the appeal site lies outside the designated

settlements or service villages set out in Policy 2 of the Chichester Local Plan. It lies in an area designated as the Rest of the Plan Area in Policy 2 and the countryside under LP Policy 45. The nearest service village to the appeal site is Hunston, approximately 4km to the north with Selsey being approximately 3.25km to the south.

18. Criterion 1 of LP Policy 36 sets out criteria against which to assess Gypsy and Traveller development. It reflects the PPTS and states that sites should be well related to existing settlements with local services and facilities. It goes on to say that sites should be within or close to settlements, or with good access to major roads and /or public transport thus affording good access to local services. The Policy does not define what it means by a settlement. Equally it does not seek to restrict traveller sites to the defined settlements as set out in LP Policy 2. The fact that the appeal site is not in a defined settlement, does not necessarily mean that it is located in an area with poor accessibility, as suggested in the Council's reasons for refusal.
19. Whether Sidlesham constitutes a settlement was debated at a recent appeal for a Gypsy and Traveller site on Keynor Lane¹. The Inspector determined that it did in the usual meaning of the word. It is not in dispute that appeal site lies within the settlement. The village forms a dispersed settlement with no recognisable centre. There is a Primary School approximately a kilometre away from the appeal site, a 10 minute walk. It is a similar distance to the nearest bus stop on Manhood Lane where services to Selsey and Chichester run half hourly, including weekend and evening services.
20. Walking to the bus or the Primary School would necessitate going along Chalk Lane itself, which is unlit and has no footways. However, this is a private road and very lightly trafficked. Keynor Road and Selsey Road both have footways. I accept that in poor weather, or in the darker winter months, occupants of the appeal site may be discouraged from walking. However, the option to walk to the school or to access public transport would be available. I also note that a secondary school bus runs along Keynor Lane in term time.
21. Sidlesham also has two churches, a recreation ground and a petrol filling station on Selsey Road incorporating a small shop providing basic food supplies. Being approximately 2km from the appeal site, the journey by foot to the shop would take around 20 minutes. Larger supermarkets, health care facilities and other services are available in Selsey or Chichester, accessible by public transport. Whilst future occupants may wish to use the car such trips would be short. It is notable that the area is generally flat so that cycling may be another option, particularly to access the shop in Sidlesham.
22. Paragraph 105 of the Framework recognises that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that this should be taken into account in decision making. In this case, having regard to the nature of Sidlesham, the appeal site has better accessibility to some services than others. Whilst Sidlesham has limited facilities, there is a reasonable level of accessibility to public transport and to the major road in the area giving access to Chichester and Selsey. The appeal proposal therefore complies with criterion 1 of LP Policy 36.

¹ APP/L3815/W/18 3209147 and 3209145

23. It is notable that several recent planning decisions have allowed residential development on the wider nursery site or elsewhere on Chalk Lane. I also take account of the fact that the sustainability criteria set out for traveller sites in paragraph 13 of the PPTS, do not include distances from or means of transport to shops and services.
24. Given the above, I conclude that the appeal site is in a suitable location in terms of access to services and facilities and the development proposals would in this regard, comply with the PPTS and LP Policy 36.
25. The PPTS in paragraph 25 requires that sites in rural areas respect the scale of and do not dominate the nearest settled community. The village of Sidlesham has around 500 dwellings with a population of approximately 1300 people. It is not disputed that the appeal proposals would not dominate the wider settled community on this basis.
26. However, the Council argues that Appeal A, the 7-pitch scheme, creates a risk of perceived dominance within the area around Chalk Lane. Chalk Lane forms part of a loop with Cow Lane to the south of Keynor Lane. I am advised that there are approximately 47 dwellings served by these roads as well as commercial, agricultural and horticultural uses. There are a further 30 dwellings along Keynor Lane and another 110 dwellings in the wider area along Selsey Road/Mill Lane.
27. Appeal A would increase the number of residential plots on Melita Nursery, to a total of 15. Numerically this number would not in my view dominate the number of dwellings in the immediate area. Furthermore, due to the enclosed nature of the appeal site, such intensification would not be visible to anyone passing along Chalk Lane. I accept that there would be some increase in activity, through vehicle movements etc. However, the lane also gives access to several commercial activities. The likely increase in traffic on this quiet lane would not be significant. I am also advised that there are several static caravans occupied by seasonal workers associated with the horticultural units in the locality. In this context, I am not persuaded that Appeal A would result in an overdominance of gypsy and traveller pitches in the immediate area.
28. The PPTS also requires that schemes avoid placing undue pressure on local infrastructure. The main parties agree that neither appeal would have this effect. I am aware that local residents have raised concern with regard to school places and doctors etc however I have no evidence to suggest that those services are under pressure such that the proposal would have an unacceptable impact.
29. In conclusion on this issue, I find that in respect to both appeals, the site provides a suitable location for a Gypsy Traveller site in accordance with the PPTS and Policy 36 of the Chichester Local Plan.

Character and appearance

Appeal A

30. Chalk Lane is a loose knit quiet residential area with properties set in large plots. I observed on my site visit that the lane is very lightly trafficked and the area as a whole has a quiet ambience. Whilst on occasion there would be noise and activity from the horticultural and commercial activities, this would likely be infrequent and not long-lasting.

31. A proposal for 7 additional pitches would result in increased activity which would have the potential to lead to increased noise and disturbance impacting negatively on the tranquil character of the area. At the hearing, the Council explained that they were concerned about increased traffic noise and disturbance from the day-to-day activity of additional residential uses. No evidence to support this view such as figures for the increase in vehicles or existing ambient noise levels was presented. In my view, any increase in noise would be very low level and would be spread out across the day. In the context where there are existing commercial premises alongside residential uses, I do not consider that the increase in activity and noise would be of such a level or frequency to cause harm to the tranquil character of the area.
32. Accordingly Appeal A would comply with LP Policies 45 and 48 which seek to maintain rural character. It would also meet the requirements of the Framework, for design to reflect local character and history.

Appeal B

33. PPTS in paragraph 26 advises local planning authorities to give weight to several matters. These include sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness, the promotion of opportunities for healthy lifestyles such as ensuring adequate landscaping and areas for children to play and also not enclosing a site with so much hard landscaping, high wall and fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
34. Appeal B proposes 3 pitches, each comprising hardstanding for a mobile home, a touring caravan, a utility building, car parking space and a small, grassed amenity area.
35. Historically development in the Chalk Lane area formed part of the Land Settlement Association Scheme (LSA) when around 118 small holdings were established in 1936. Each plot incorporated a dwelling, glasshouse, piggery, chicken battery and 4 acres of land. Whilst the LSA no longer exists the holdings still have a significant impact on the character and appearance of the area. Over time the character has started to change with a greater variety of plot sizes and subdivisions.
36. At the hearing, the Council explained that they are trying to achieve well designed high quality spacious development and that this approach is evident in adjacent approvals for pitches on land to the north at 5 Melita Nursery and 6 and 7 Melita Nursery. Comparing the appeal scheme with other approved plots on the nursery site, I find that the three pitches proposed would not be significantly smaller. I do not therefore agree that the pitches appear cramped.
37. The appeal site is bounded by a combination of conifer hedgerow and 1.8-metre-high close boarded fencing. The hedgerow within the site is proposed to be retained. I noted on my site visit that a small extent of conifer hedge in the centre of the site was omitted from the submitted plans and could also be retained. A grassed area with trees forms part of the garden area to the existing dwelling giving the site a green appearance on entering. Each pitch is proposed to include a small, grassed amenity area though much of each pitch would be laid to hardstanding. The appellant explained that low maintenance landscaping was preferred especially when the occupiers were likely to be away

travelling. Included within the appeal site is an area of paddock used for the grazing of horses. This is retained in the 3-pitch scheme. Not only would it add to the green nature of the site it would also provide an area for children to play.

38. It is proposed that 1.8-metre-high panel fencing be provided to separate the individual pitches. At the hearing it was discussed that this could be amended to a lower height fence, different style of fence or part fence/hedgerow to maintain privacy for the occupants but also to soften the hard appearance of fencing. A scheme of boundary treatments could be required through the imposition of an appropriate condition.
39. In light of the above, whilst I accept that minimal landscaping is provided for each pitch, the design of the scheme provides an acceptable layout which is not overly cramped, and which would cause no significant harm to the character of Melita Nursery. The site is not visible from public viewpoints or from Chalk Lane and the development would cause no harm to the character of the surrounding countryside. The proposal would therefore comply with the PPTS and also LP Policies 36 and 45.

Drainage and flooding (Appeal A)

40. The appeal site lies in Flood Zone 1, an area with the least likelihood of flooding. I understand however that there are some localised surface water drainage issues.
41. Appeal A, the 7-pitch scheme was refused due to the lack of information submitted to demonstrate that the proposal would adequately deal with surface water. The appellant advises that hardstanding areas would have a permeable sub base, soakaways would be installed, the site would be connected to mains sewers and water butts could be provided.
42. The Council conceded at the hearing that this issue could be appropriately addressed through the imposition of a planning condition. The condition put forward by the Council's drainage engineer requires winter groundwater monitoring to establish the highest annual groundwater levels and winter percolation testing. If imposed this condition would delay the implementation of the proposal as this work is undertaken.
43. At the Keynor Lane appeal which I have referred to above, a similar condition was recommended. The Inspector rejected it as being too onerous and without justification to make the development acceptable in planning terms. Whilst this condition may be one imposed on all residential development; I am not persuaded it is necessary for this type of development especially as the hardstanding areas would be permeable in any case.
44. I am satisfied overall that subject to the imposition of a suitably worded condition, the site can be appropriately drained. The scheme would therefore comply with LP Policies 36 and 42.

Biodiversity

45. Following on from the Council's concerns about the lack of soft landscaping and predomination of hardstanding in appeal scheme B, concern has also been raised regarding the failure of the proposed layout to facilitate the movement of wildlife between the pitches or within the wider surrounding area.

46. LP Policy 49 and also section 15 of the Framework, seek to enhance biodiversity. I am advised that bats are known to be present in the locality of the appeal site but that as no trees are proposed to be removed, it is unlikely that the proposal would result in the loss of habitat or roosts. The Council argue that the isolated areas of grass provide limited opportunities for insects and small wildlife upon which bats and larger species rely.
47. It is notable that the site has hedgerow boundaries which provide a continuous wildlife corridor. Furthermore, the paddock area, whilst used for horse grazing could be enhanced to improve its biodiversity. I am also mindful that other measures could be introduced to promote wildlife such as bird or bat boxes and infilling gaps in existing hedgerows.
48. Overall, I am satisfied that measures could be incorporated into the scheme to enhance biodiversity. The proposal would therefore in this regard comply with LP Policy 49 and the biodiversity objectives of the Framework.

Other considerations

49. LP Policy 36 sets out that the Gypsy and Traveller and Travelling Showpeople Assessment (GTAA) 2013, identifies a need for 59 permanent residential pitches of which 37 were required before 2017. The Council accepts that this is now out of date. As part of the evidence base for the emerging Local Plan, an updated GTAA (2018) has been prepared. Whilst I acknowledge that this document has not been tested through the Examination process, it identifies a need for a further 66 pitches from 2018-2023. At the hearing the Council advised that since 2018 they had provided 27 pitches out of the 66 required. A revised estimate covering the period up to March 2026 suggests a current need for 35 pitches in the District. On this basis the Council agreed that they cannot demonstrate a 5-year supply.
50. I have been made aware that the Council has appointed consultants to assist them in preparing a Gypsy and Traveller Development Plan Document (DPD). The Council are taking a proactive approach to delivery and an assessment is underway to determine the opportunities in the borough for intensification and reconfiguration of existing sites as well as new sites. It is notable that the two appeals before me propose the intensification of an existing site.
51. The significant lack of supply in the District and in West Sussex is demonstrated by the high numbers of individuals on waiting lists for public sites. I was informed that currently there are 107 individuals on the waiting list for pitches in the County, with 28 persons looking for a pitch on one of the two public sites in Chichester. Many homeless families are also known to be using the transit site in the District as a temporary solution.
52. The emerging local plan is some way off, with the Regulation 18 consultation anticipated to take place in late 2022 with its submission for Examination in 2023. A similar timeframe is in place for the DPD. It will therefore be at least 2 years before sites are allocated and then available for occupation.
53. Overall, there is an unmet need for Gypsy and Traveller sites in the District and no 5 year supply of sites, as required by PPTS. There is an identified ongoing policy failure to meet the identified needs of Gypsies and Travellers in this Borough. The matter of unmet need is critically important and carries great

weight in favour of the proposal, particularly given the time it is likely to take to adopt a plan containing Gypsy and Traveller sites.

54. Whilst the appeal proposals form speculative developments and the personal circumstances of the appellant are not being relied upon, I was informed at the hearing that the likely occupants of the pitches on the site are families having to leave an unauthorised site in Birdham where the Council is currently taking enforcement action. This provides some indication of the homelessness issues in the District and reinforces my conclusions regarding need.

Other Matters

55. Residents have raised concern about the highways impact of the proposals especially as Chalk Lane is a bridleway, footpath and cycleway. It is argued that the lane, which is narrow and windy, is unsuitable for long, high sided vehicles.
56. The lane is already used on occasion by larger agricultural and commercial vehicles. There are no visibility issues at the junction of Chalk Lane and Keynor Lane and the proposal would provide adequate onsite car parking and manoeuvring space. As most trips would be by private car with touring caravans leaving the site from time to time only, I am not persuaded that the proposals would create highway safety issues. I note there are no objections from the Highway Authority.
57. I have been made aware of the Sidlesham Heritage Trail which includes Chalk Lane. The Trail commemorates the development of the Land Settlement Association as an historic national event and records its impact on the local area. I do not consider that the appeal proposals would have any impact on those walking or cycling the route. In fact, it reinforces the suitability of the local area for these non-car modes of travel.
58. As the proposals are part retrospective, intentional unauthorised development has taken place. It is government policy this is a material consideration in determining planning applications and appeals. The application of this policy is a factor that weighs against the proposal but not heavily because of the nature of the development undertaken.
59. I have not considered in detail the personal circumstances of the site occupants as the appellants are not relying on this factor in support of their case. That said for those existing and new occupants who meet the planning definition, the site would provide a settled base. Along with a settled base come the advantages of access to health and education services. There would also be advantages for the general well-being of the families in being settled and having continual access to basic amenities and a secure living environment. In particular a settled base would be in the best interests of children.
60. As I have found that the proposals comply with development plan policies as a whole, the other considerations and matters I have referred to above are not determinative in this case. Even if there was a 5-year supply of sites in the borough, and sufficient sites had been allocated in the Local Plan, Policy 36 of the Local Plan allows for additional sites provided they meet the policy criteria. As both Appeal A and Appeal B comply with the development plan and national policies, and there are no other considerations that indicate otherwise, planning

permission should be granted. The proposals would represent sustainable development as sought by the NPPF and the PPTS.

Conditions

61. I have considered the suggested conditions put forward by the Council and discussed at the hearing. For consistency between the two appeals, and in light of the advice in the Framework and Planning Practice Guidance, I have amended the wording of conditions where necessary. A temporary permission was discussed at the hearing. However, as I have found the appeal proposals comply with the development plan, a temporary permission is not necessary in either case.
62. Except for the number of permitted pitches and caravans and also reference to the approved plans, the conditions I have imposed are the same for both appeals.
63. A condition specifying the approved plans is necessary for avoidance of doubt. A condition limiting occupation to those who meet the definition of travellers in the PPTS is required having regard to their accommodation needs. It is also necessary to limit the number of pitches and caravans on the site in the interests of the character and appearance of the area. I impose a condition ensuring that the car parking spaces, and touring caravan pitches are only used for their intended purpose to ensure adequate on site provision.
64. Since works have already commenced on site, a condition is necessary to ensure that various matters are approved and implemented in a timely manner. These include drainage to ensure the site is properly drained; landscaping, boundary treatments, the materials for the day room and external lighting in order to protect the character and appearance of the area; ecological enhancements to promote biodiversity; secure cycle parking to promote sustainable travel and refuse facilities in the interests of amenity. An additional condition is necessary to ensure the landscaping is maintained for a period of 5 years, so it can become established.
65. Planning Practice Guidance advises against the removal of permitted development rights except in exceptional circumstances, however it is necessary here to control additional walls, fences and gates and hardstanding on the site, as well as additional external lighting given the site's location in the countryside and its proximity to other dwellings.
66. In the interests of highway safety and to protect residential amenity I have imposed conditions that limit the size and number of commercial vehicles that can be parked at the appeal site and prevent the site being used for commercial activities.
67. The Council suggested a condition requiring electric vehicle charging points to be provided on the site. The appellant considers that, if any occupier of the site were to acquire an electric vehicle, then they would install a charging facility at that time and the presence of a charging point now would have little influence on them buying or using an electric vehicle. In the particular circumstances of this case, I agree with the appellant and find that it is not necessary to require an electric vehicle charging facility.

68. In respect to Appeal B, the Council also suggested a condition requiring the storage of oils, fuel or chemicals to be on impervious bases and surrounded by impervious bunds walls. The appellant stated that no such materials would be stored on the site apart from gas bottles and tanks. It was agreed by the parties that this condition was unnecessary, a position with which I agree.

Conclusion

69. For the reasons given above and having had regard to all other matters raised I allow both appeals.

Helen Hockenhull

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mrs Alison Heine	Heine Planning Consultancy
Mr Mark Goddard	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Calum Thomas	Senior Planning Officer
Sasha Haigh	Planning Officer
Martin Mew	Principal Planning Officer
Steve Jarman	Opinion Research Services

SCHEDULE OF CONDITIONS

APPEAL A

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan 1-Location Plan Drawing No. 01, Plan 2-Block Plan - Key for Plan, Plan 3-Proposed Site Layout Rev A, Plan 4-Proposed Utility blocks.
- 2) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 3) There shall be no more than 7 pitches on the site and on each of the 7 pitches hereby approved no more than 2 caravans, shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 4) 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 3 months of the failure to meet any one of the requirements set out in i) to iv) below:
 - i. Within 3 months of the date of this decision a scheme (hereafter referred to as the Site Development Scheme) shall have been submitted for the written approval of the local planning authority for:
 - a) Details of foul and surface water drainage of the site. The design shall follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS manual produced by CIRIA.
 - b) Hard and soft landscaping. Hard landscaping shall include means of enclosure and surfacing materials. Soft landscaping shall include identification of all trees, shrubs and hedges to be retained showing their species, spread and maturity; and new tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities.
 - c) Details of the materials for the utility buildings.
 - d) Ecological enhancement. This may include but should not be limited to the installation of bat brick/box, the installation of a bird box, infilling of gaps within the existing hedgerows
 - e) Refuse and recycling storage facilities
 - f) External lighting within the site
 - g) Covered and secure cycle parking.
 - ii. If within 11 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 Site Development Scheme shall be implemented in full in accordance with the approved details no later than 6 months from its written approval.

Upon implementation of the approved Site Development Scheme specified in this condition, that scheme shall thereafter be retained and maintained.

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.

- 5) If within a period of 5 years from the implementation of the Site Development Scheme, any trees or plants which formed part of the approved Site Development Scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The parking areas and the touring caravan spaces as shown on the approved plans shall not be used other than for their intended purpose.
- 7) No commercial activities shall take place on the land, including the storage of materials.
- 8) No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no walls, fences or other means of enclosure (including bunding) other than those shown on the approved plans or those approved under condition 4 above shall be erected within or on the boundary of the site unless details of their height, materials and location shall have previously been submitted to and approved in writing by the local planning authority.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no area of hardstanding other than those shown on the approved plans or those approved under condition 4 above shall be laid on the site unless details of their materials and location shall have previously been submitted to and approved in writing by the local planning authority.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no external lighting other than that approved under condition 4 above shall be installed on the site unless details of their location, design, luminance and measures to avoid light spillage shall have previously been submitted to and approved in writing by the local planning authority.

APPEAL B

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan 1-Location Plan Drawing No. 01, Plan 2-Proposed Site Layout Plan, Plan 3-Proposed Utility Blocks.
- 2) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 3) There shall be no more than 3 pitches on the site and on each of the 3 pitches hereby approved no more than 2 caravans, shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 4) 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 3 months of the failure to meet any one of the requirements set out in i) to iv) below:
 - v. Within 3 months of the date of this decision a scheme (hereafter referred to as the Site Development Scheme) shall have been submitted for the written approval of the local planning authority for:
 - h) Details of foul and surface water drainage of the site. The design shall follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS manual produced by CIRIA.
 - i) Hard and soft landscaping. Hard landscaping shall include means of enclosure and surfacing materials. Soft landscaping shall include identification of all trees, shrubs and hedges to be retained showing their species, spread and maturity; and new tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities.
 - j) Details of the materials for the utility buildings
 - k) Ecological enhancement. This may include but should not be limited to the installation of bat brick/box, the installation of a bird box, infilling of gaps within the existing hedgerows
 - l) Refuse and recycling storage facilities
 - m) External lighting within the site
 - n) Covered and secure cycle parking.
 - vi. If within 11 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.
 - vii. 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.

- viii. The Site Development Scheme shall be implemented in full in accordance with the approved details no later than 6 months from its written approval.

Upon implementation of the approved Site Development Scheme specified in this condition, that scheme shall thereafter be retained and maintained.

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.

- 5) If within a period of 5 years from the implementation of the Site Development Scheme, any trees or plants which formed part of the approved Site Development Scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The parking areas and the touring caravan spaces as shown on the approved plans shall not be used other than for their intended purpose.
- 7) No commercial activities shall take place on the land, including the storage of materials.
- 8) No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no walls, fences or other means of enclosure (including bunding) other than those shown on the approved plans or those approved under condition 4 above shall be erected within or on the boundary of the site unless details of their height, materials and location shall have previously been submitted to and approved in writing by the local planning authority.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no area of hardstanding other than those shown on the approved plans or those approved under condition 4 above shall be laid on the site unless details of their materials and location shall have previously been submitted to and approved in writing by the local planning authority.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no external lighting other than that approved under condition 4 above shall be installed on the site unless details of their location, design, luminance and measures to avoid light spillage shall have previously been submitted to and approved in writing by the local planning authority.