

Appeal Decision

Hearing Held on 16 November 2022

Site visit made on 16 November 2022

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 03 January 2023

Appeal Ref: APP/Y3940/W/21/3271379

Land north east of Redhouse Farm, Roundaway Lane, Clanville SP11 9JE

- 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 T Keeble against the decision of Wiltshire Council.
 - The application Ref 20/07433/FUL, dated 28 August 2020, was refused by notice dated 11 February 2021.
 - The development proposed is to make a material change of use of the land to a caravan site for occupation by a Gypsy family with associated development (utility building, alterations to access, access track and hardstanding and installation of septic tank) and agriculture.
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Decision

1. The appeal is allowed and planning permission is granted to make a material change of use of the land to a caravan site for occupation by a Gypsy family with associated development (utility building, alterations to access, access track and hardstanding and installation of package sewage treatment plant and agriculture) subject to the conditions imposed by the Schedule to this decision.

Preliminary Matters

2. Owing to Habitats Regulations matters, it is now proposed to install a package sewage treatment plant instead of the septic tank identified in the description of development found in the banner heading above. The parties agreed at the hearing that the description of the proposed development could be amended accordingly, and I am satisfied that this minor change could be made to the scheme proposal without requiring re-consultation with any interested parties.
3. Following the hearing I consulted with Natural England as the appropriate statutory nature conservation body in respect of the potential impacts of the development on the River Test catchment area and related European Sites. Their response is considered below in relation to the impacts on protected habitats.
4. I also permitted some further documents following the close of the hearing. The North Wessex Downs AONB Management Plan had been referred to in the parties' documents and during the course of the hearing, and so I gave time for a copy of it to be supplied to me and for the parties to indicate the extracts they considered relevant to my considerations. I also gave time for the completion of a unilateral undertaking made pursuant to section 106 of the

1990 Act, and for the Council to comment on its efficacy. This again relates to protected habitats and I consider it below.

Main Issues

5. The Council gave a single reason for refusing planning permission, encompassing two main issues: the locational sustainability of the site, raising questions of compliance with the Wiltshire Core Strategy 2015 ('WCS') policies CP47(v), CP60 and CP61; and the effect of the development on the protected landscape of the AONB, raising questions of compliance with, particularly, policy CP51. Additionally criterion (vi), and potentially criterion (ix), of policy CP47 are applicable.
6. The Council had initially 'screened out' the proposal as having any impact on designated habitats, for the reason that the applicant had already been living in the area and the proposal comprises no net increase in the number of residents in the River Test catchment area. The impact on protected habitats was nevertheless raised as a main issue in the appeal.
7. Further issues raised by local residents included whether the appellant is a Gypsy or Traveller, and if so whether meeting the definition found in Planning Policy for Traveller Sites ('PPTS'); and whether the development, which is part retrospective, was 'intentionally unauthorised' and within scope of the Written Ministerial Statement of 2015. The first issue was not pursued at the hearing, the appellant having been interviewed by researchers conducting the Council's most recent Gypsy & Traveller Accommodation Assessment ('GTAA') and accepted by them as meeting the PPTS definition. I have no reason to doubt the agreed position on this. I consider matters relating to intentionally unauthorised development below.
8. A further matter raised by local residents concerns the local noise impacts of the development, and particularly of a generator presently being used to serve the site. I consider this in relation to any relevant planning conditions that might be imposed below. I also consider other matters there, including the impact of the development on the local highway network.
9. To the extent that the proposed development does not comply with the development plan for the area, it is necessary to give consideration to other material matters that might weigh in its favour. This requires an assessment of the current need for and supply of Traveller sites in the area, and whether any alternative sites are available to the appellant. The appellant also prays in his favour certain personal circumstances that warrant consideration. These matters may also become relevant if I am to consider, if a permanent permission is not justified, whether a temporary or personal permission (or both) could be warranted.

Reasons

Location

10. CP47 gives favourable consideration to proposals for new Gypsy and Traveller pitches where a number of general criteria are satisfied, including criterion (v) requiring such proposals to be located in or near to existing settlements within reasonable distance of a range of local services and community facilities.

11. Policies CP60 and 61 are also relevant, promoting the use of the Council's planning powers to help reduce the need to travel particularly by private car and planning developments in accessible locations; and requiring new development to be located and designed to reduce the need to travel particularly by private car.
12. The first part of the criterion requires an assessment of whether the site lies in or near to an existing settlement. The issue also arises under PPTS, which advises that new traveller site developments should be very strictly limited in open countryside that is away from existing settlements.
13. The site lies in a former agricultural field adjacent to 'horsicultural' buildings (approximately) to the west and opposite a farmhouse to the north, in a small hamlet set in agricultural fields and paddocks and containing around half a dozen dwellings. It lies to the north of the small linear settlement of Clanville, over the County border, which consists of some dwellings and agricultural enterprises as well as a chapel and a public house.
14. I am referred to other policies in the WCS concerning the settlement strategy for the County, in which the hamlet (nor Clanville, not surprisingly as it is in Hampshire) is not identified as a settlement for development. The Strategy does not identify any settlement smaller than a 'small village', and policy CP47 is an 'exception' policy to the general approach of the settlement strategy. Thus I do not find the requirement for a site to be located in or near to an existing 'settlement' to relate to whether or not such settlements are identified as locations for new development in the WCS taken as a whole. It is simply a question of fact and degree whether the site lies in or near to an existing settlement. As a previous Inspector found in a case referred to me by the appellant¹, whether this is the case is a distinct question from that of whether it lies a reasonable distance from services and facilities.
15. Although the hamlet contains no services or facilities, I nonetheless find that it is an existing settlement as a matter of ordinary interpretation. There is a distinct cluster of dwellings and other buildings, apparently with agricultural origins, that the site adjoins. Therefore the first part of the criterion is met.
16. The main parties agreed in their Statement of Common Ground the distance of the site from facilities, although some of these measurements were disputed by the agent representing local residents. Primary schools are available within two miles; shops within around five miles, and doctors' surgeries within around five miles (the main parties finding the distances to be considerably shorter).
17. Criterion (v) itself bears no direct reference to the accessibility of such services or facilities, whether by public transport or otherwise. It requires only that such services and facilities should be available within a 'reasonable distance'. The policy preamble states that such new developments should be situated in sustainable locations, but other than that no guidance is given as to what is meant by a reasonable distance.
18. Again I am referred to other Inspectors' decisions in the area where such matters have been considered², as well as to a planning officer's report³. In the former two cases, the sites lay close to a village with few facilities of its own

¹ APP/Y3940/A/14/2211452

² APP/Y3940/A/14/2211452, APP/Y3940/W/18/3215416

³ 20/05488/FUL

but on a bus route and within two to three miles of shops, primary schools and other facilities including a railway station with a connection to larger centres. In the latter case, the site lay in a rural location with a primary school two miles away and all essential services and facilities within four miles, with no public transport.

19. The Council's Spatial Planning response to the present application indicated that, in the light of other decisions by the Council or Planning Inspectors on this issue, the location of the site was considered broadly acceptable in relation to this criterion, noting that Andover lies some six miles away (approximately 15 minutes by car) where all key services and facilities are available.
20. Here, the Council does not dispute that there are some services and facilities within a reasonable distance of the site; however, the policy requirement is for the site to lie within reasonable distance of 'a range of' such services and facilities, in particular schools and essential health services. Having regard to those other decisions and the Spatial Planning response, although the distances here might be considered remote for typical residential units, in the context of a traveller lifestyle I do not consider it so remote as to fail this criterion of policy CP47. With all essential services and facilities within around a 15 minute drive, the site lies within a reasonable distance from them.
21. Turning to policies CP60 and 61, however, here I do find some conflict because the development of this site would not reduce the need to travel by private car and would not benefit from any more sustainable forms of transport except possibly cycling. In the context of the traditional lifestyle, recognised by the PPTS, whereby travellers may live and work from the same location, I give this conflict limited weight.

AONB

22. Criterion (vi) of CP47 stipulates that traveller site development should, among other matters, not have an unacceptable impact on the character and appearance of the landscape and is sensitively designed to mitigate any impact on its surroundings.
23. Criterion (ix) of CP47 requires that the site should not compromise a nationally or internationally recognised designation. It goes on to require that the site should not have the potential for adverse effects on river quality, biodiversity or archaeology. These references do not expressly relate to landscape matters, and landscape protection is afforded by criterion (vi), but nonetheless there is no dispute between the parties that an AONB designation is the type of 'nationally or internationally recognised designation' at which this criterion is directed. It appears to me that criterion (vi) sets a rather higher bar against development than criterion (ix) where one requires unacceptable impacts to arise whereas the other is concerned to maintain the integrity of the designation. Policy CP51 applies specifically to require the conservation and (where possible) enhancement of landscape character including the special qualities of AONBs, with a list of nine aspects of landscape character requiring conservation.
24. The Council's Landscape & Design consultation response records that the site lies within the 'Hampshire Downs Landscape Character Area' ('LCA') in the National Character Area Assessment; the 'Wooded Downland LCA' in the County LCA; and the 'Chute Forest LCA' in the District LCA. It is within the

AONB and on Grade 3 agricultural land and in the vicinity of two public rights of way.

25. The site lies to the very southern edge of the AONB, within the 'Downland with Woodland' character type in the Chute Forest, which is noted in the AONB Management Plan 2019 – 2024 as having softer contours, woodland cover and a mix of field patterns, identified as a mixture of small irregular mediaeval enclosures and larger regular Parliamentary enclosures. The strategic objectives of the Management Plan include maintaining the tranquillity and distinctive landscape character of the area. Key issues for management include intense pressure for development throughout the AONB and its setting that threatens the character and quality of its landscape and change to the scale and nature of development boundaries.
26. The relevant LCA describes the strongly rolling landform and the varying mix of two dominant land cover elements of the open arable fields and the woodland blocks and belts, linked and unified by the hedgerow network. The Chute Forest area is sparsely populated with small villages and hamlets found in the folds, and the area's network of rural lanes resulting in a tranquil rural character despite its proximity to the service centres of Andover and Tidworth.
27. The site lies on rising ground away from the valley floor where most of the dwellings in the hamlet are found. The road rises away from the hamlet to the east, and the site itself lies on rising ground away from the road, opposite the farmhouse to the north that does the same on the other side. It was suggested at the hearing that because of its relative elevation it is out of character with the local settlement, where most of the development is on the valley floor. Whilst the site represents the furthest edge of development in the area, it sits commensurately against the farmhouse on the other side of the road, and respects the pattern of development in that the residential elements of the development would be situated to the roadside rather than on the higher ground of the paddock area. Another farmhouse is located on higher ground on the opposite side of the hill to the west, and so I do not find that the settlement pattern is exclusively along the valley floor. Attractive dwellings are interspersed with functional agricultural and equestrian buildings.
28. I was referred at the hearing to *Turner v (1) SSCLG and (2) East Dorset DC* [2016] EWCA Civ 466; [2015] EWHC 2788 (Admin), a case concerning the assessment in both spatial and visual terms of a development's impact on the Green Belt. As agreed by the main parties at the hearing, this case does not concern the Green Belt and the *Turner* approach is not the correct one to take here. The parties identified the particular potential impacts on the qualities of the AONB from the development to be those affecting its visual qualities and its tranquillity. Unlike a Green Belt assessment, merely because the development 'is there' does not in itself raise any landscape objection.
29. The Council's reason for refusing planning permission identified only a harmful visual impact on the character and appearance of the AONB. Effects on the tranquillity of the area were not identified. Some noise, such as barking dogs or occasional chainsaw use, is to be anticipated in such a location; however I do agree with local residents that the prolonged use of an electricity generator adversely affects the tranquillity of the area (as well as their own living conditions). This matter can be overcome by the imposition of relevant planning conditions, and once that is achieved I do not consider there to be any

residual adverse impacts on the area's tranquillity arising from the development.

30. There are few visual receptors of the existing development, although what is proposed is rather different. From the bridleway on the opposite hill to the south the existing caravan is just about visible, although seen in the context of the extensive horse-related development sitting below it. The touring caravan lies in approximately the same place as proposed for the utility building sought as part of the proposal. Subject to satisfactory conditions as to the materials to be used in constructing that building, I do not consider it will have any adverse impact on the view from the south. When constructed, the touring caravan is proposed to be parked behind it and should not be at all conspicuous from across the hill. The mobile home will be placed towards the rear of the site and should not be visible from the bridleway, even in winter.
31. The development will be somewhat more apparent on closer public viewpoints, namely from Roundaway Lane as it adjoins the site, and the development can clearly be seen from the farmhouse opposite although that is a private interest. A substantial band of trees and vegetation, partly evergreen but mostly deciduous, separates most of the site from the road. This is very well established although consists largely of ash trees and I am alerted to the risk of die back although there appears no solid evidence of this.
32. The entrance gates are however particularly conspicuous, and it is possible that there will need to be some limited tree removal in order to achieve the visibility splays sought by the local highway authority, although this would not be of such a scale as to harm the screening function of the remainder of the tree belt. A roadside fence has been constructed but there is no intention to retain it and that, like the gates, can be made the subject of a planning condition concerning the site's boundary treatment.
33. Overall I find the development as proposed would have a limited impact on the AONB. Whilst extending the settlement, it would relate to it well and be relatively inconspicuous. Therefore I do not find the impact on the landscape to be 'unacceptable', per criterion (vi) of policy CP47 and the impacts of the development on its surroundings can be acceptably mitigated.
34. Nonetheless, mindful of the key management issues resulting from the pressure for development leading to changes to the scale and nature of development boundaries, I am unable to say that the development conserves or enhances the AONB, and its designation is to some extent compromised by the development. Therefore I am unable to find that the development complies with policy CP51 or with, as is conceded by the appellant, criterion (ix) of policy CP47.

Habitats

35. The site lies in the River Test catchment area which drains into the Solent, a region protected by a number of national and international designations including European Sites as considered by the Conservation of Habitats & Species Regulations 2017.
36. Permissions for new dwellings in the catchment area have the potential to increase the discharge of nutrients, specifically nitrates, into the Solent area and it is necessary to consider whether significant effects on the European sites

- arising from this development, whether alone or in combination with other projects, are likely to arise.
37. The Council initially excluded the possibility of any significant effects arising, because the appellant has previously lived in the catchment area and the net effect of the development is that the people comprising the family who previously lived in one dwelling are now living in a dwelling and the caravan on the site. Thus, there has been no net increase in the number of residents.
38. This approach strikes me as artificial, because what is being sought is permission for a pitch for a Gypsy family. There are no reasonable planning controls that could be imposed to limit the identity of any live-in dependants for whom the appellant might be responsible. Similarly there is no reasonable planning control that could be imposed that could prevent any additional occupants of the appellant's former marital home. Although the present effect of the development is that there is no net increase in the number of inhabitants of the catchment area, this will not necessarily remain the case (even if a personal permission is imposed).
39. The parties appear to have recognised this in response to advice from Natural England, the statutory nature conservation body for this purpose. Thus the proposal before me is to secure measures to avoid or reduce additional nitrates flowing into the Solent resulting from the introduction of an additional household. Those measures comprise the installation of a package sewage treatment plant on the site, as an alternative to the septic tank originally proposed, and the payment of a commuted sum to the Council which will secure investment into a nitrates mitigation scheme consisting of the conversion of a nearby existing farm into a nature reserve. The sum is to be secured by a Unilateral Undertaking made pursuant to section 106 of the 1990 Act. The PTP is a specified type, and any future replacement would need to be of at least equivalent efficiency.
40. Having consulted Natural England on the efficacy of these measures the outcome of my Appropriate Assessment for the purpose of the 2017 Regulations is that the measures are sufficient to ensure that no significant effects on the European Sites are likely to arise and thus there is no impediment to the grant of a planning permission, subject to the necessary requirements concerning the PTP being imposed by condition, and subject too to the section 106 Undertaking. I find that the Undertaking is compliant with the CIL Regulations, being necessary, directly related to the development, and fairly and reasonably related to it in scale and in kind.
41. This matter weighs neutrally in the planning balance: an impediment to the scheme has been overcome, but that does not in itself lend any weight in favour of the proposal.

Intentional Unauthorised Development ('IUD')

42. The Written Ministerial Statement of 2015 provides that intentional unauthorised development is a material consideration in planning matters. This arose from the Government's concern about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place.

43. In this case I am not altogether satisfied that the appellant knowingly sought to circumvent planning controls: upon questioning by the Council's researchers conducting a recent GTAA he was referred to his present agent and promptly sought to regularise the planning position.
44. In any case I consider that any harm arising from the development is quite readily reversible. Limited development has taken place to date. I attach minor weight to this factor against the development.

Need and supply

45. The parties' position was agreed insofar as there is a significant shortfall of supply of traveller sites in the area, with an immediate need for 79 pitches in the period 2019 – 2023 for travellers meeting the PPTS definition. The need for other Gypsies and Travellers is higher again. This attracts considerable weight in favour of the development.

Alternative sites

46. Neither main party was able to identify any suitable or available alternative site. Although representations have been received to the effect that the appellant has closer family ties in the neighbouring authority than in Wiltshire, again no specific alternative site that might be suitable or available has been identified. This matter also carries some weight in favour of the appeal.

Personal circumstances

47. The appellant has shared custody of his two primary school-aged children living nearby. He has lived on the site since January 2020. His aging parents live a few miles away in the Andover area, and there are health needs requiring the appellant's support. These matters require the appellant to have a settled base in the local area, and the site meets this requirement. I attach some weight to this factor.

Conclusions and Planning Balance

48. The starting point for consideration is the specific WCS policy applying to traveller site provision: CP47. I have found that, of the nine policy criteria, eight of them are met. Although I have not found the impact on the landscape to be 'unacceptable' for the purposes of criterion (vi), I do find that the development compromises, to a limited extent, the AONB designation contrary to criterion (ix).
49. Thus I am unable to conclude that there is full compliance with this policy, but nonetheless I attribute considerable weight to its achievement of most of the policy criteria.
50. For the reasons explained, although I have found the site to be in or near to an existing settlement and to be within a reasonable distance of a range of services and facilities, I do not think it is in a location sufficiently accessible to reduce the reliance on the private car. It therefore contravenes policies CP60 and CP61 and I attribute some limited weight to these policy conflicts.
51. The harm to the AONB, although limited is not negligible. National policy in the form of the Framework requires that great weight be attributed to the conservation and enhancement of such landscape areas, and here I find that the AONB would be neither conserved nor enhanced. It would however be

development of a limited scale and extent, and thus would not contravene national policy to that extent. It is not a major development requiring the demonstration of exceptional circumstances. The landscape effects of the development can be mitigated to a considerable extent.

52. Thus I attribute moderate adverse weight to this factor. For the reasons explained above, no weight either way arises on the habitats issue, and I attach a small amount of adverse weight to the development having been intentionally unauthorised.
53. On the other side of the scales are the significant factors of the Council's somewhat poor supply position in relation to traveller sites and the local unmet need in general. Added to this are the lack of any available sites to which the appellant might resort and the recognised benefits to his family life of him having a settled base in the area from which to care for his children and his parents.
54. Taking these matters in the round, I am unable to conclude that there is compliance with the development plan as a whole. I am therefore required by section 38(6) of the Planning & Compulsory Purchase Act 2004 to determine whether material considerations indicate a decision otherwise than in accordance with the development plan.
55. I determine that those considerations do require a decision to the contrary. On the whole I have found the harms arising to be limited and largely capable of mitigation. There is a considerable degree of compliance with the traveller site policy criteria. The unmet need, poor supply position, lack of alternatives and the personal circumstances of the appellant cumulatively weigh very strongly towards the grant of planning permission, which I shall therefore grant, subject to the imposition of a number of conditions.

Conditions and S106 Obligation

56. The main parties were largely in agreement as to the imposition of planning conditions. Whilst I have found the personal circumstances of the appellant to weigh in favour of the development, I do not find these to be determinative because I consider the other factors in favour of the development by themselves to outweigh the harm and policy conflicts. Thus the permission I shall grant shall not be personal to the appellant, but will require the site to be occupied by Gypsies or Travellers. The parties' views were sought in relation to recent litigation concerning the PPTS definition, and the condition I shall impose accommodates the Court of Appeal's judgment. A condition requiring the removal of the development if such occupation ceases is necessary. Also required is a condition requiring adherence to the application plans, and a further condition limiting the number of caravans to the two necessary for the single pitch that is sought. Details of the materials to be used to construct the utility building will require the Council's prior approval, for the reasons I have explained above given the potential visibility of this building in the AONB.
57. A prohibition on commercial activities and the stationing of large vehicles is also required. The local highway authority requires visibility splays to be achieved so as to ensure the safe access to and egress from the site, and I shall impose their recommended conditions accordingly, although accounting for the part-retrospective nature of the permission.

58. Because of the potential longevity of the permission to be granted, additional landscaping works are necessary to achieve satisfactory screening and assimilation into the landscape. These works will require the Council's prior approval. A condition is also required to prohibit the installation of any external lighting without the Council's prior approval.
59. Conditions are necessary to protect the living conditions of adjoining neighbours. No burning of manure or other material derived from the keeping of horses or livestock shall take place. Additionally it is essential that an electricity grid connection is made as soon as possible, because I find the development to be unacceptably intrusive to neighbours if the generator continues to be used. Whilst I cannot compel the grid connection, I shall impose a condition prohibiting the use of a generator from a date two months after the permission is granted. There is no need to make provision for emergency use, because enforcement of the condition will be in the discretion of the Council in such circumstances.
60. For the reasons explained above in relation to habitats protection, it is also essential that a package sewage treatment plant is installed within a reasonable time frame. I shall impose a condition requiring this to be a 'Rewatec Solido Smart' plant, or otherwise requiring the Council's approval of the particular package, and prohibiting the continued residential use of the site if this is not installed within a reasonable period of the Council's approval. Additionally, with the agreement of the main parties, the description of the permission I shall grant will be amended to omit the reference to a septic tank and to include express permission for the package treatment plant.
61. The planning obligation submitted pursuant to section 106 of the 1990 Act has been discussed above, and I am satisfied it is compliant with the CIL Regulations and is needed to overcome the objection that would otherwise arise on habitats grounds.

Conclusions

62. For the above reasons, although compliance with the development plan is not achieved, material considerations in the case indicate a decision otherwise than in accordance with it. Therefore, having received a copy of a Unilateral Undertaking pursuant to section 106, I shall grant planning permission for the amended description of development set out in paragraph 1 of this decision and subject to the planning conditions found in the Schedule to it below.

Laura Renaudon

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alison Heine	Agent
Mr T Keeble	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Julie Mitchell	Senior Planning Officer
Rachel Jones	Ecology Manager
Henning Totz	Spatial Planning Officer

INTERESTED PERSONS:

Aaron Smith MRTPI	Agent
Cllr David Pike	Chute Forest Parish Council
Cllr Christopher Williams	Ludgershall North & Rural Division Councillor
Mr & Mrs Starkie	
Mr & Mrs Crouch	
Mr & Mrs Walker	

SCHEDULE OF CONDITIONS

1. The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan dated 28/08/2020, Block/Site Plan dated 28/08/2020 and Proposed Utility Block (plans and elevations)
3. When the land ceases to be occupied by those persons in compliance with condition no. 1 above, the use hereby permitted shall cease and within 2 months of such cessation of occupation all caravans, structures, materials and equipment brought onto or erected on the land, or works undertaken to it in connection with the use hereby permitted, shall be removed and the land be restored to its condition before the development took place.
4. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, (of which no more than one shall be a static caravan/mobile home) shall be stationed on the land at any time.
5. No commercial activities shall take place on the land, including the storage of materials.
6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.
7. There shall be no external lighting on the land other than in accordance with details that shall have first been submitted to and approved in writing by the local planning authority.
8. No burning of manure or other material derived from the keeping of horses or livestock shall take place on the development site or land connected with it.
9. From the date falling two months after the grant of this permission, no electricity generator shall be used or operated on the land.
10. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - i) 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 and the said scheme shall include a timetable for its implementation. The Site Development Scheme shall include details of:
 - the means of foul and surface water drainage or disposal, to include the installation of a package sewage treatment plant

- (which shall be a Rewatec Solido Smart plant or as otherwise approved by the Council) and measures to ensure its effective maintenance and/or future replacement with another plant of at least equivalent efficiency;
- fencing and other means of enclosure;
 - materials to be used in the construction of the utility block;
 - the access and parking layout, to include:
 - (a) measures to include the first five metres of the site access, measured from the edge of the carriageway, to be consolidated and surfaced (not loose stone or gravel) and to be maintained thereafter; and
 - (b) measures for the creation of the visibility splays shown on the approved plans to be provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway, and for those splays to be maintained free of obstruction thereafter;
 - a detailed planting plan and specification showing all plant species, supply and planting sizes, planting densities and maintenance measures;
 - mitigation measures for enhanced landscape management such as hedgerows with appropriate native (non-coniferous) species planted on the southern and western field boundaries to provide screening of the development hereby permitted;
 - measures to avoid any works within the root protection zone of existing trees;
 - finished levels and contours; and
 - all hard and soft surfacing materials.
- ii) within 6 months of the date of this decision the Site Development Scheme shall have been approved by the local planning authority or, if 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 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, and works comprised in the scheme shall be thereafter retained for the duration 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.