



Appeal Decisions

Hearing held on 8 & 9 February 2023

Site visit made on 8 February 2023

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal A Ref: APP/P0240/C/21/3276357

Land South of Thomas Johnson Lower School and adjacent to Hurst Grove, Lidlington, Beds, MK43 0SB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr T McCarthy against an enforcement notice issued by Central Bedfordshire Council.
 - The notice, numbered CB/EN/21/0096, was issued on 17 May 2021.
 - The breach of planning control as alleged in the notice is without planning permission, unauthorised development consisting of the erection of an outbuilding, and associated creation of gravel standing, foul drainage and close boarded fencing on the Land.
 - The requirements of the notice are to: (i) Remove all outbuildings, gravel standing, foul drainage and close boarded fencing from the land. (ii) Restore the Land to its former condition.
 - The period for compliance with the requirements is 5 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/P0240/C/21/3276356

Land South of Thomas Johnson Lower School and adjacent to Hurst Grove, Lidlington, Beds, MK43 0SB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr T McCarthy against an enforcement notice issued by Central Bedfordshire Council.
 - The notice, numbered CB/EN/21/0096, was issued on 17 May 2021.
 - The breach of planning control as alleged in the notice is without planning permission, unauthorised change of use of the Land to a Gypsy and Traveller site.
 - The requirements of the notice are to: (i) Cease using the Land as a Gypsy and Traveller site; and (ii) Remove from the Land all items associated with the use of the Land as a private Gypsy and Traveller site.
 - The period for compliance with the requirements is 4 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. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decisions

Appeal A

1. Appeal A 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 the erection of an outbuilding, and associated creation of gravel standing, foul drainage and close boarded fencing at land as shown on the plan attached to the notice and subject to the condition set out in the schedule attached to this decision.

Appeal B

2. It is directed that paragraph 3 of the enforcement notice is corrected by: the deletion of the words 'a Gypsy and Traveller Site' and replacement with the words 'a residential caravan site for Gypsy and Traveller use'.
3. Subject to the correction, Appeal B 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 use as a residential caravan site for Gypsy and Traveller use at land as shown on the plan attached to the notice and subject to the conditions set out in the schedule attached to this decision.

Preliminary Matters/The Notices

4. Both notices relate to the same appeal site, one relates to operational development and one relates to the material change of use of the land. The parties agreed that the allegation in the notice which relates to the material change of use should be corrected so that it refers to 'a residential caravan site for Gypsy and Traveller use'. This more accurately describes the use of the site and I am satisfied that the change can be made without causing injustice to either party.
5. This alleged use does not specify the number of caravans on the site, and the use as described and the deemed application for permission is therefore unrestricted. The parties agree that a restriction, if appropriate, would need to be provided by way of a condition imposed on any grant of permission. As a matter of fact, there was no dispute that there was one static caravan and three touring caravans on the site at the date of the issue of the notices.

Appeals A and B – Ground (a) and the deemed applications for permission

Main Issues

6. The appeals have been considered together (as the operational development facilitates the use) and the main issues are:
 - i) the effect of the development on the character and appearance of the area, countryside and site;
 - ii) the effect of the development on biodiversity;
 - iii) whether the development provides satisfactory living conditions for future residents;
 - iv) whether there is a need for Gypsy and Traveller pitches;
 - v) the personal circumstances of the site occupiers, including the best interest of any children; and
 - vi) whether the development constitutes intentional unauthorised development, and if so, what weight should attach to that.

Reasons

Planning history

7. The most relevant parts of the planning history of the site prior to the issue of the notices are:
 - Appeal decision APP/P0240/W/16/3143547 (application reference CB/15/03335/FULL) dated 14 June 2016, permission for construction of a nursery and associated facilities refused due to the location of the site having particular regard to the effect on the character of the open countryside and the effect on pedestrian safety;
 - Appeal decision APP/P0240/W/17/3169863 (application reference CB/16/04455/OUT) dated 9 June 2017, permission for a single detached dwelling was refused for the harm it would cause to the character and appearance of the area and intrinsic nature of the countryside, and failing to demonstrate that satisfactory living conditions would be provided for future occupants;
 - Grant of permission reference CB/20/01555/FULL for the erection of stable block comprising 2 stables and feed store dated 3 September 2020;
 - Refusal of planning permission CB/21/00883/FULL for change of use of land from equestrian to a mixed use, from the creation of 4 pitches comprising the siting of 1 mobile home (static caravan) & 1 touring caravan per pitch (4 mobile homes and 4 touring caravans in total) because of the harm it would cause to the character and appearance of the area, failure to provide safe or adequate living conditions and unacceptable loss of the semi-natural habitat within the Forest of Marston Vale and lack of provision of a net gain for biodiversity dated 26 June 2021.

The appeal site

8. The appeal site is a narrow triangular shaped piece of paddock land adjacent to the village of Lidlington, outside of the settlement envelope identified in Policy SP7 of the Central Bedfordshire Local Plan 2015 – 2035 adopted in July 2021 ('the CBLP'). It is bounded by a railway line to the south, Hurst Grove and Thomas Johnson Lower School to the north, dwellings to the east and open countryside to the west. Prior to the development which is the subject of these appeals, it was largely free of built structures other than two fairly large wooden sheds.
9. The appeal site lies within the Greensand Ridge Nature Improvement Area, the North Marston Clay Vale Landscape Character Area and the Forest of Marston Vale.

Character and Appearance

10. The site is outside of the defined settlement boundary of Lidlington, and therefore in the countryside. However, this is not evident when viewing it from either side of the railway line as it is a narrow site with fencing and railway to the southern boundary and sits between prominently visible buildings to the north and east. Views into and across the site are obscured in places by mature

trees and vegetation (even in February), and the heights of single storey caravans and vehicles are lower than many of the other houses and buildings in the vicinity, and against which the site is viewed. I therefore agree with the appellant's case that the level of harm to the landscape overall is limited and there is no evidence that the use causes detrimental impact on the settlement character, highway network, or amenity of occupiers of neighbouring properties, or that it would cause the coalescence of settlements (all factors to be considered under Policy SP7).

11. However, Policy SP7 of the CBLP relates to windfall development and seeks to protect the intrinsic character and beauty of the countryside, and as the development does not fall within the particular types of development permitted by this policy it is in conflict and extends the urban elements of the settlement closer to the recreation area and rural countryside to the west. For the reasons set out above, the harm to the intrinsic character and beauty of the countryside and effect on the area overall is at a fairly low level, and it is therefore necessary to consider the development also in accordance with other development plan policies.
12. The development largely accords with Policy H7 regarding the assessment of planning applications for Gypsy and Traveller sites, although the Council raised concern about whether the development could provide a good standard of amenity for occupants due to the noise from the adjoining railway line and narrow site. The rest of the specific requirements set out in Policy H7 are met by the proposed development in this case, which suggests that the appeal site is generally appropriate for this type of development (dependent on consideration of the living conditions).
13. The development is not in conflict with the Planning Policy for Traveller Sites 2015 ("the PPTS") which states that new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan should be strictly limited. However, it does not prohibit it altogether and this site in fact adjoins the existing settlement of Lidlington village. Broadly speaking, I consider that the site's location accords with the PPTS.
14. Overall, the use of the site as a residential caravan site and the operational development is less visually intrusive in terms of height when considered alongside the larger adjoining buildings than the previously proposed dwelling, and the effects could be mitigated further by the implementation of an appropriate landscaping scheme. Some harm is caused by the development (due to the use and operational elements) to the character and appearance of the area because of its location just within the countryside, and this is in conflict with the development plan. However, this harm is limited due to the fact that the site adjoins the edges of the settlement boundary, and when considering the relationship with, and height of the surrounding buildings in comparison.

Biodiversity

15. Several policies in the CBLP which seek to deliver the enhancement of biodiversity apply to the appeal site.¹ Policy EE5 seeks to safeguard the intrinsic character of the landscape, and integrate on-site mitigation

¹ Policies EE2, EE5 and EE8 of the CBLP.

sympathetic to local character, and this can be achieved in this case by way of a condition to secure an appropriate landscaping scheme which can also provide the biodiversity enhancements required by Policy EE8 as the development is within the Greensand Ridge Nature Improvement Area. As the site is within the Forest of Marston Vale area the development should also deliver 30% tree cover across the appeal site², and I accept the appellant's case that this can be achieved taking into account the scale of development proposed, the existing trees and hedgerow and available space for the on-site planting of new trees. This can be properly secured by way of a condition.

16. I do not therefore find that there would be any harm caused by the development in terms of biodiversity.

Living conditions

17. The site, and therefore the caravans, are very close to the adjacent railway line which is at a higher level. The trains were not running on the day of the site visit, but there is no suggestion that the line won't continue to operate in the future (and indeed the frequency and type of use may increase depending on the outcome of ongoing transport reviews.)
18. The appellant's noise assessment was not undertaken with reference to the development that was on the site at the date of the issue of the notice, but rather on the basis of use as a traveller site with pitches for temporary residential dwellings. The noise survey concluded that there could be measures which would adequately mitigate the harm and bring the levels into those required under BS 8233³. I am also mindful that many dwellings have gardens which adjoin railway lines, including in the immediate vicinity of the appeal site.
19. An effective acoustic fence would not need to go along the full length of the southern boundary but rather only the part adjacent to the caravans and could also have wrap-around elements to the eastern and western ends, but this would be dependent on how it would affect other adjoining properties, and the type of material used. The noise issues arising from the passing trains can be adequately mitigated through the imposition of a condition requiring a scheme to be approved, implemented and maintained which details the type of static caravans, windows and acoustic barrier. It was not the appellant's case that the relevant levels could be achieved inside the touring caravans, and it was confirmed that these were not occupied for residential accommodation when on the appeal site. Any acoustic fence will need to take into account the levels of the site and tracks but can be considered alongside a landscaping scheme to reduce the visual impact where possible. A landscaping scheme, including biodiversity requirements and additional planting will help to reduce the visual effects of the site including acoustic barrier when viewed close up and in longer views from footpaths in the area.
20. In addition to the noise concerns, the Council argue that the stationing of 4 static caravans, 4 touring caravans and associated vehicles would be over-development of the site which would not allow for adequate spacing as required by the Caravan Sites and Control of Development Act 1960. The site layout plan submitted with the 2021 planning application shows caravans stationed

² Policy EE9 of the CBLP

³ BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings

towards the eastern end of the site (not over the entire site), and any concerns regarding layout could be overcome through the imposition of a condition requiring such a plan to be agreed by the Council and then implemented and maintained. Concerns regarding the size of the mobile homes can also be addressed through such a plan, and a caravan site licence (which require minimum distances between the caravans for reasons of fire safety) would also be required in any event.

21. The development, with the conditions as set out above, would not therefore cause harm in terms of the living conditions of the site occupiers, and is not in conflict with Policy H7.

Need

22. The PPTS, which is a material consideration, states that the existing level of local provision and need for sites is amongst the relevant matters to be considered when determining applications for traveller sites. The Council undertook a GTAA and set pitch targets for gypsies and travellers as required by the PPTS⁴. The Council does not dispute that the appellant and his family currently living on the site meet the PPTS definition of 'gypsies and travellers'. Two of the proposed occupants do not fall within that definition as they have ceased to travel permanently. However, the recent Court of Appeal judgement in the case of Smith⁵ has established that the PPTS definition unlawfully discriminates, in some circumstances, against those who have permanently ceased travelling.
23. Policy SP8 of the CBLP states that the Council has already approved a sufficient number of pitches to meet the Gypsy and Traveller accommodation need in Central Bedfordshire over the period 2015 – 2035. The CBLP was adopted in 2021 and established the need for those Gypsies and Travellers who accorded with the PPTS Definition. Policy H7 is a criteria-based policy as required by the PPTS and deals with the assessment of planning applications for windfall sites which applies to all Gypsies and Travellers (and not just those who fall within the PPTS definition). The Council has taken a range of measures as required by the PPTS and there has not therefore been any policy failure in this case.
24. The Council's case is that they have a robust and up to date Local Plan with supply over the plan period. They say this is true whether you apply an uplift of 13% to represent the number of unknown households whose PPTS status was not determined, an estimate based on Central Bedfordshire's local proportion of interviewed Gypsies and Travellers with PPTS status (and which equates to 6 pitches), or 30% based on the national average (which equates to 16 pitches). In addition, they say that the criteria based policy of H7 operates to deal with the 'Unknown' households, and it is highly relevant that 23 pitches have been granted in 2020/2021 for non-travelling gypsies (i.e. which are not restricted to households who fall within the 2015 Definition), with a further 51 pitches on a site with a pending application with a minded to grant decision.
25. I was directed to various appeal decisions relating to land within the borough which accept that the recent assessment in the CBLP in relation to the approval of pitches was correct, but these all pre-date the recent Court of Appeal decision of Smith. The appellant argues that the supply/needs assessment

⁴ Using the definition in Annex 1 as required at that time ('the PPTS Definition').

⁵ Smith v SSLUCH [2022] EWCA Civ 1391.

(based on evidence gathered for the 2016 GTAA) is no longer robust in light of the Smith judgement and the exclusion from the pitch assessment figures of those Gypsies and Travellers who had permanently ceased travelling.

26. The Council confirmed that 93 households were recorded within the GTAA as not meeting the 2015 definition. However, the Council was unable to confirm what number of these households would have been directly affected by the discriminatory effect of the Smith judgement e.g. how many of those households did not fall within the 2015 definition because they had ceased to travel permanently on grounds only of their own or their family's or dependents' educational or health needs or old age. The appellant accepted that it was unlikely that all of these households would have ceased to travel permanently for those reasons alone, but equally that it was unlikely that none of them would. The number of households in the borough who would have been affected by the Smith judgement will fall between these extremes (i.e. 0 and 93) but it was not possible on the evidence before the appeal to narrow down the figure any further.
27. The Local Plan has been found robust in terms of its treatment of the need for pitches based on the 2015 definition as required at that time, including in the treatment of the number of unknown households, and has a five-year supply as required. However, it is not possible to identify how the pitch numbers identified in the GTAA would change if taking into account the gypsies no longer travelling permanently solely as a result of educational or health needs or old age. In addition, the fact that the appellant and other occupiers of the site have no alternative pitches demonstrates a level of unmet need.
28. It is necessary in this case to distinguish and deal separately with the 'general' need for sites by the authority, and the 'personal' need of the appellant and site occupiers. I therefore find that there is a lack of alternative accommodation for the current occupiers of the site and give this substantial weight in support of the development. In addition, there is not a site where the four households could all live together, and I therefore accord moderate weight to the loss of the prospective home to the two related households who are intending to move onto the site should permission be granted.

Personal Circumstances

29. The appellant and his wife wish to live on the site which would comprise of four households to include his parents and two of their sons with their families. The extended family had lived on another much larger site for many years. In 2021, a number of circumstances arising from a serious incident which had taken place sometime earlier, and which lead them to become too afraid for the family's safety to remain, resulted in them leaving those pitches fairly quickly. This animosity and level of threat caused the wider family to wish to live on a smaller site of their own over which they would have sole control and so be able to 'get on with their lives.' The ongoing impact of the previous situation has negatively affected the family in many ways including in stress-related illness.
30. The households who would intend to live in the site would span four generations. The eldest members of the family have ongoing medical and care needs and living on the same site would allow supervision and care to be provided by the appellant and his wife. The settled permanent base will also

enable the adult members of the households to put the past behind them and support each other in a safe environment, both practically and emotionally.

31. It is generally accepted that a stable base facilitates the access of schooling and medical support, both of which are required by this extended family. In addition, there are other advantages of having a fixed address. Given the family's history and the need to live together I accord the personal circumstances in this case significant weight.
32. The evidence in this case indicates that the decision could have an adverse impact on the children living on the site, and the best interests of the children are a primary consideration and the need to safeguard and promote their welfare (to include health, education and a general welfare) must be considered. The weight given to the best interests of the children will depend on all of the circumstances in the case.
33. Two of the children living on the site are regularly attending the nearby school with plans to continue on to the linked senior school and are benefitting from having a settled and safe base with their extended family. The best interests of the children do not always simply mirror the best interests of their carers but are likely to be consistent. In this case the wider family, and therefore all of the children living on the site, will benefit significantly from having a settled base on which the four generations can live together and provide mutual care and support. These benefits are not exclusive to this particular site but there are no other options identified which would meet these needs, and the children would therefore be homeless if the notice were to be upheld and permission not granted.
34. The adverse impact of not granting permission on the best interests of the children would be great. I therefore accord the personal circumstances substantial weight in favour of the grant of the permission when considering whether it would be proportionate in light of the other considerations (and the harm that I have identified).

Intentional Unauthorised Development

35. As set out elsewhere in this decision, the appellant and other occupiers of the appeal site could not remain on their previous pitches due to personal circumstances and ongoing animosity. On leaving their previous pitches, the appellant and his family had nowhere else to live as there was not another alternative option other than to move onto the land without waiting for planning permission. The appellant has not carried out works beyond what was needed to accommodate the three caravans, or that could not be reversed or mitigated if necessary.
36. In addition, the appellant applied for permission for development of the site at the same time as moving onto it and has pleaded ground (a) in this appeal and clearly hopes to get permission (with the opportunity for conditions to be imposed if necessary) rather than intending it to remain unauthorised.
37. The appellant accepts that factually the development was undertaken without authorisation which is a material consideration but I find that limited weight should be attached to it.

Other Matters

38. Planning permission was granted for the erection of a stable block comprising two stables and feed store, with associated hardstanding and boundary treatment on 3 September 2020, and which is still extant. This is a material consideration as a fallback position but is a much smaller development of only one building on the south eastern part of the site and I therefore accord it limited positive weight when considering the grant of permission under the ground (a) appeal. The appellant sought to argue that the site was previously developed land but this permission has not been implemented, and it was accepted by both parties that the site's use prior to the development was as paddock with associated sheds which still remain (and therefore very little in the way of operational development on the site which had read as a predominantly green plot).

Planning Balance

39. The development causes limited harm to the character and appearance of the area, and is therefore in conflict with the CBLP and NPPF. I have also taken into account that it was intentionally unauthorised development, and I attribute limited weight to this consideration.
40. In favour of the appeal, I have found that it is unclear as to whether the Council has a five-year supply of Gypsy and Traveller sites; there are no suitable and alternative sites identified; and the appellant and other occupiers and proposed occupiers of the site have a pressing need for a settled base (for educational, health and wellbeing purposes). I also attach great weight to the best interests of the children in remaining on the site.
41. On balance, I consider that the harm which would be caused by the development, and the conflict with the development plan, is outweighed by the other material considerations favouring the appeals. I am therefore satisfied that permanent planning permission should be granted as there was nothing before me to suggest that other sites would be likely to come forward within a reasonable timescale.
42. The appeals on ground (a) therefore succeed and planning permission will be granted for the deemed planning applications. Planning permission for the use will be made personal to the appellants by condition since the weight given to the personal circumstances of the appellants have been determinative.

Conditions

43. I have imposed a number of planning conditions based on the suggested conditions submitted by the parties which were discussed during the hearing, with some alterations in light of those discussions.
44. I have imposed Condition 1 to restrict the use of the site to the named individuals and their dependents as the appeal has only been successful due to the personal circumstances of the appellant and his family.
45. The Council suggested that, if planning permission is to be granted, it should be subject to a condition limiting occupation of the site to Gypsies and Travellers. However, the restriction on the use will be secured by the personal condition.

46. Conditions 2, 3, 4, and 5 regulate the number of caravans, type of vehicles and use of the appeal site in order to reduce the impact of the visual amenity of the countryside and protect the living conditions of future residents. Condition 6 provides for the submission, approval and implementation of schemes to secure the site layout plan, landscaping, drainage, and foul waste water disposal, waste storage, biodiversity, noise attenuation measures and external lighting and provides for them to be done in a timely manner. These measures are intended to limit the impact of the development on the character and appearance of the area and countryside and secure satisfactory living conditions, as are Conditions 8 and 9 which remove permitted development rights which is necessary in this case given the location of the site. Condition 7 is required to ensure highway safety.

47. I am satisfied that these conditions meet the statutory and policy tests.

Conclusion on ground (a)

48. For the reasons given above, I conclude that both of the appeals succeed on ground (a) and planning permission is granted on the deemed planning applications.

49. The appeals on grounds (f) and (g) do not therefore fall to be considered.

Zoë Frank

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/P0240/C/21/3276356	Mr T McCarthy
Appeal B	APP/P0240/C/21/3276357	Mr T McCarthy

APPEARANCES

FOR THE APPELLANT:

Michael Rudd, Barrister
Brian Woods, WS Planning and Architecture
David Fernleigh, dBA Acoustics Limited
T McCarthy, Appellant
M McCarthy, Site occupant
C McCarthy, Site occupant
C McCarthy, Site occupant
K McCarthy, Site occupant
T McCarthy, Site occupant
M McCarthy, Family member

FOR THE LOCAL PLANNING AUTHORITY:

Phillip Hughes, Planning Consultant
Steve Jarman, Opinion Research Services
Helen Hearn, Gypsy and Traveller Unit, CBC
David Rubidge, Environmental Health Officer, CBC
Ian Cotterell, Enforcement Officer, Gypsy and Traveller Unit, CBC

INTERESTED PARTIES:

Cllr S Clark, Ward Member

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Draft conditions (Version 4)
- 2 Caravan Count (Last Six Counts to July 2022)
- 3 Authority Monitoring Report 2021/22

SCHEDULE OF CONDITIONS

APPEAL A

- 1) Within 3 months of the land ceasing to be used as a residential caravan site for Gypsy and Traveller use all outbuildings, gravel standing, foul drainage and close boarded fencing shall be demolished and removed, and the Land shall be restored to its condition before the development took place.

APPEAL B

- 1) The use hereby permitted shall be carried out only by the following: Thomas and Marie McCarthy and resident dependents; Christopher and Charise McCarthy and resident dependents; Toddy and Kathleen McCarthy and resident dependents; and Michael and Bridey McCarthy and resident dependents. In the event that the site shall cease to be occupied by those named above, the use of the site shall cease and all caravans, structures, equipment and materials shall be removed from the site or pitch within 28 days of that date.
- 2) The use hereby permitted shall be limited to eight caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time and no more than four caravans shall be a static caravan.
- 3) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 4) Any touring caravans kept at the appeal site shall be stored at site and shall not be occupied for any residential accommodation purposes whatsoever.
- 5) No commercial activities shall take place on the land, including the storage of materials, plant or equipment.
- 6) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of that use shall be removed within 3 months of the date of failure to meet any of the requirements set out in (i) to (iv) below:
 - (i) Within 3 months of the date of this decision, or such other period as the Local Planning Authority may agree in writing, a scheme shall be submitted in writing to the Local Planning Authority for its written approval. The scheme shall include details of the following:
 - a) A site layout plan showing the position of four static caravans, car parking spaces, up to four touring caravan storage bays, satisfactory turning area for commercial vehicles and any CCTV poles and cameras to be retained on the site;
 - b) a landscaping scheme for the site, clearly identifying details of all tree, hedge and shrub planting including details of species, plant sizes and

- proposed numbers as well as the material and height detail of any boundary treatment;
- c) a detailed surface water drainage scheme and maintenance and management scheme, with evidence of a viable means of discharge off site. The details to be provided must demonstrate the drainage scheme will be effective in all storm events up to and including the 1 in 100-year event (+40%CC). Where existing drainage is to be retained details to demonstrate this is of suitable condition and capacity must be provided;
 - d) a scheme to provide foul waste water and disposal having regard to the Environment Agency's hierarchy for discharge and Building Regulation H List of Priority;
 - e) a scheme of acoustic mitigation measures for the four static caravans which: meets or exceeds the acoustic requirements of BS3632:2015 Residential Park Home; incorporates suitable uprated windows and ventilation openings if/as necessary to achieve internal conditions commensurate with the daytime and night-time internal noise levels detailed in Table 4 of BS8233:2014; includes details of an acoustic barrier optimized to reduce noise impact in external areas to comply with the requirements of BS8233:2014; and assesses the impact of any acoustic mitigation measures to all neighbouring residential properties,
 - f) a scheme for the storage of waste and recyclables,
 - g) a scheme to demonstrate biodiversity net gains having regard to an agreed pre incursion baseline and using the Natural England Biodiversity Metric 3.1 (or any subsequently replacement),
 - h) a scheme for external lighting at the appeal site, and
 - i) a timetable for the implementation and retention of each element of the scheme.
- (ii) Within 9 months of the date of this decision, the scheme referred to above shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted 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 finally approved by the Secretary of State.
- (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable and the approved scheme shall thereafter apply.
- (v) 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.
- 7) Any gates provided shall open away from the highway and be set back a distance of at least 6.0 metres from the nearside edge of the carriageway of the adjoining highway.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no means of external illumination other than that approved under condition 7(i)(h) above unless details of it have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 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 sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans (including those approved pursuant to condition 7) shall be erected on the site unless details have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.