



Appeal Decision

Hearing held on 29 June 2023

Site visit made on 29 June 2023

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2023

Appeal Ref: APP/A3010/C/21/3273252

Land at south of Dunham Road, Laneham, Worksop, Nottinghamshire, DN22 0NB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended ("the Act"). The appeal is made by Mrs Jerry-Kay Smith against an enforcement notice issued by Bassetlaw District Council.
- The notice was issued on 10 March 2021.
- The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised engineering operation to deposit materials on and over the land, the change of use of land for the siting of a residential caravans, and associated storage structures, and the parking of private domestic vehicles.
- The requirements of the notice are: (i) Cease the use of the land for the siting of residential caravans, and associated storage structures and the parking of private domestic vehicles; (ii) Remove the residential caravans, and associated storage structures (excluding one structure, blocked orange on plan) and all private domestic vehicles from the land; (iii) Remove all materials (shown area by blue hatch) of hardcore and road scrapings that form the hard landscape base on over the land, arising from (i) and (ii); and (iv) Reinstate land by the preparation (tilling of the land) to a depth of 4-6 inches and sowing agricultural grass seed at 5kg per half acre.
- The period for compliance with the requirements is: 3 calendar months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (d), (f) and (g) of the Act. 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.

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

Application for costs

1. An application for costs made by Mrs Jerry-Kay Smith against Bassetlaw District Council is the subject of a separate decision.

Preliminary matter

2. The emerging Bassetlaw Local Plan 2020-2038 ("the BLP") has completed its examination, but modifications are expected following receipt of the Inspector's report. It was agreed that limited weight should be afforded to its policies in these circumstances.

The notice

3. Without prejudice to the appeals on grounds (b) and (f) it is agreed that the notice may be corrected and varied as follows, without giving rise to injustice:

- The alleged breach of planning control should describe the parking of private domestic vehicles as an incidental activity.
 - Requirement (i) should describe the storage structures and the parking of domestic vehicles as incidental to the use of the land.
4. The legibility of the notice would be improved by the following variations, which are not considered to alter its substance:
- Requirement (iii) should refer to “hardcore” and to the hard landscape base “on and over the land”.
 - Requirement (iv) should refer to “sowing” of agricultural grass seed.

The appeal on ground (b)

5. There is no dispute as to what has occurred, and therefore what the notice attacks. However, the unauthorised material change of use forming part of the alleged breach contains the misdescription “the siting of a residential caravans” [sic]. The wording should make clear that the caravans are being used for residential purposes.
6. Accordingly, no injustice would be caused to the appellant or the Council if I were to exercise the power conferred by section 176(1)(a) of the Act to correct that misdescription. The appeal on ground (b) therefore succeeds to this limited extent.

The appeal on ground (d)

7. This ground of appeal is limited to the alleged operational development comprising the area of hardcore immediately south of the building in the centre of the site and a track between the building and the northern boundary visible in historic aerial images. To succeed on this ground, the appellant needs to demonstrate, on the balance of probability, that these areas were substantially completed on or before 10 March 2017, 4 years before the date on which the notice was issued, and remain as recognisable independent structures.
8. The appellant contends that these parts of the hardstanding have existed since approximately 2015. She does not appear to have had any knowledge of the site at that time but instead refers to aerial images from April and July 2015. The areas are a different colour from the rest of the site, which appears to have been grassed over in those images, and the track is visible in a later aerial image provided by the Council. The appellant states the hardstanding and track were in place in 2021, the year she moved to the site, and were formed from loose gravel and from loose small stones or rocks respectively.
9. Insofar as those features may still exist, they are now underneath the hardstanding that has been laid over the entire site. Apart from small quantities of broken stones around the building in the centre of the site, nothing matching the colour of the areas visible in the aerial images can be seen now.
10. From the available evidence, I can only conclude that any surviving areas of older hardstanding and path are incorporated into, and form small parts of, the new hardstanding. It has not been shown that anything under the new surface is a recognisable independent structure.

11. For these reasons it has not been demonstrated, on the balance of probability, that any part of the hardstanding now covering the site is a recognisable independent structure that was substantially completed on or before 10 March 2017. Consequently, the appeal on ground (d) must fail.

The appeal on ground (a)

12. The main issues in this appeal are:

- The effect of the engineering operation and the change of use on the character and appearance of the area and on the landscape.
- The effect on flood risk.
- The effect on highway safety.
- The need for and supply of Gypsy and Traveller pitches in Bassetlaw, including whether there has been any policy failure.
- The personal circumstances of the appellant and her dependants.

Reasons

Character and appearance

13. The site lies at the southern fringe of Laneham, with countryside to the immediate south, east and west. It is within part of the mid-Nottinghamshire Farmlands identified in the Bassetlaw Landscape Character Assessment. This part, Policy Zone 08: Upton, Laneham, is predominantly flat and low lying, forming part of the floodplain of the River Trent. Views are limited by hedges marking field boundaries and trees growing along watercourses.
14. On approach from the south, the site is initially obscured by a group of trees in a highway verge and then, to varying degrees, by trees and hedgerows on the site boundaries. The latter features limit views of the interior of the site from Dunham Road, although it may be glimpsed near and through the access point. A hedge along the Laneham Road boundary provides some screening but there is scope to make this more effective with limited tree planting.
15. These appropriate existing and potential landscaping and boundary treatments allow the use of the site to respect its wider surroundings and it is feasible and achievable for the use and operational development to blend in with nearby residential development. The pattern of field boundaries has not changed and additional landscape planting on the Laneham Road frontage could be secured by planning condition to give privacy and to enhance the local environment. The scale and design of the site, including the extent of hardstanding, is thus appropriate to its surrounding location.
16. The change of use and operational development therefore accord with policies DM4 and DM6 of the Bassetlaw Core Strategy and Development Management Policies Development Plan Document ("the DPD") and are acceptable in this regard.

Flood risk

17. The site is within Flood Zone 3, an area with a high probability of flooding, in this instance fluvial flooding from the Laneham Beck and River Trent. The appellant's flood risk assessment (FRA) identifies existing flood defences in the

area and concludes that they reduce the risk of flooding at the site from medium to low/medium. Policy DM12 of the DPD states that proposals for development in Flood Zone 3 will not be supported where sequentially preferable sites are available.

18. Criterion vi of policy DM6 of the DPD requires that any Gypsy and Traveller site is not located in an area at high risk of flooding. However, unlike policy DM12, that does not appear to allow for application of a sequential approach.
19. As noted below, many pitches considered available in the 2015 GTAA may not be available. Furthermore, no evidence as to whether any of those sites is sequentially preferable has been produced by either party. Accordingly, it has not been demonstrated that an available site with lower risk of flooding exists. In these circumstances, no conflict with policy DM12 is apparent.
20. The surface of the hardstanding is slightly higher than the slab of the building within the centre of the site, indicating that a modest raising of ground levels took place. However, the FRA advises this is likely to provide additional surface water storage due to the porosity of the materials forming the hardstanding. Because of this, and subject to other mitigation measures that could be implemented, the FRA concludes there would be a low risk of flooding.
21. For these reasons, and subject to the mitigation measures identified in the FRA, which may be secured by condition, there would be no conflict with policies DM6 and DM12 of the DPD. The change of use and operational development are therefore acceptable in terms of flood risk.

Highway safety

22. The vehicular movements generated by the use are different from the previous agricultural use and the Council expressed concern that road users may be endangered due to restricted visibility for drivers using the access. However, following consideration of the appellant's highway statement, the Council accepts that the required visibility is achieved. Accordingly, there is safe vehicular access to the public highway. It is agreed that the use is acceptable in terms of highway safety, subject to the imposition of appropriate conditions. It can therefore accord with criterion iv of policy DM6 of the DPD.

The need for and supply of pitches

23. The 2015 revised Planning Policy for Traveller Sites ("PPTS 2015") requires the Council to identify and annually update a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against its locally set target. The most recent assessment of Bassetlaw's needs is set out in the Council's Gypsy and Traveller Accommodation Assessment Update of July 2022 ("the current GTAA"). It identifies that an additional 18 pitches are needed by 2029 to meet the needs of people defined as Gypsies and Travellers in PPTS 2015.
24. PPTS 2015's definition of Gypsies and Travellers excludes those who have ceased to pursue nomadic lifestyles and the current GTAA identifies that meeting the needs of those households would increase the number of pitches required by 2029 to 27. Having considered the parties' views on this and a recent judgement of the Court of Appeal¹, I consider the figure of 27 pitches, which recognises the needs of all Gypsies and Travellers, to be appropriate.

¹ *Smith v SSLUHC & Ors* [2022] EWCA Civ 1391.

25. The survey data that informed the current GTAA has not been made available. While there may be reasonable concerns about releasing personal data of the households who were interviewed, there should be no such concern about the identification of existing pitches within the district.
26. The most recent evidence of existing pitches produced by the Council was in a previous GTAA published in June 2015 ("the 2015 GTAA"). It included sites that were considered to be authorised as of 31 March 2014, and I have had regard to that data, the appellant's research into those sites, and the available evidence to form a picture of the current supply.
27. The authorised site at **Harehill Croft (or Aerial Croft), Markham Moor** was recorded as 8 pitches. The planning permission for the site² did not record the number of pitches but stated a maximum of 8 caravans and 4 amenity blocks. The site layout plan of a later application³ showed 4 existing pitches. The limited evidence therefore supports the appellant's contention that the site provides 4 pitches, not 8. However, while the original planning permission described the use as being for the benefit of a Gypsy family, a condition preventing general occupation was not imposed. For these reasons the site should be counted as 4 pitches, although it is questionable whether, without an occupancy condition, it can be relied upon to provide any in the long term.
28. **Longbow Touring Caravan Park, Markham Moor**, was recorded as 20 transit pitches in the 2015 GTAA and the appellant agrees it accommodates approximately 20 caravans. The relevant planning permission has not been produced, so it is unclear whether the pitches are restricted to occupation by Gypsies and Travellers or how long an occupier may stay there. Nevertheless, transit pitches are normally limited to occupation by Gypsies and Travellers.
29. The 2015 GTAA recorded **Stubbing Lane Caravan Park** as 28 pitches although it had previously been counted as 25 pitches. The increase is unexplained and there is no record of any planning permission being granted for the use of this site. It is therefore not clear whether the site is restricted to occupation by Gypsies and Travellers and in any event, the appellant contends it is currently vacant, or largely so. The Council has not produced evidence in response. Accordingly, the site should not be relied upon as part of the existing supply of Gypsy and Traveller pitches in the district.
30. **Cleveland Hill, East Markham** is understood to provide 2 pitches for Gypsies under the terms of an approved planning application⁴. While details of the permission have not been provided, it is understood to include a condition limiting occupation to named individuals. The parties agree it is likely that a variation of condition to allow general use by Gypsies and Travellers would be permitted, if sought, so it is reasonable to view these 2 pitches as part of the current supply.
31. A site on **land north of Cottam Road, Treswell** has grown to 22 pitches under a series of planning permissions. While none of those permissions were produced, the parties agree the site is restricted to occupation by Gypsies and Travellers. The 22 pitches should therefore be counted as available.

² T/APP/A3010/A/98/296107/P8, allowed 10 September 1998.

³ 18/01048/OUT, granted 8 October 2018, now lapsed.

⁴ 12/01628/COU.

32. The 2015 GTAA recorded **Daneshill Traveller Site** as providing 3 permanent and 24 transit pitches, 27 in total. The site was originally permitted as up to 15 short stay Gypsy pitches and the description of the permission that allowed the enlargement refers to Gypsy and Traveller pitches. While a copy of the relevant permission has not been provided, the parties agree this site should be counted as part of the available supply.
33. Planning permission was granted for a change of use to siting of 5 caravans on **land at rear of 31 Cheapside, Worksop** in 2008⁵. The 2015 GTAA recorded this site as 5 pitches but that is not apparent from the decision notice and the appellant contends it could be as few as 2, because a pitch normally comprises a static caravan and a touring caravan.
34. The description of development does not indicate whether, or on what basis, the 5 caravans were occupied and there is no condition limiting future occupation to Gypsies or Travellers. A further constraint is apparent in condition 3, which states, "The site shall only be occupied provided it is managed by the occupiers of the adjacent dwelling, No. 31 Cheapside."
35. **Land north of Hayton Smeath, Retford** was recorded as a single pitch in the 2015 GTAA, although it only had a temporary planning permission, restricted to a named individual and his resident dependants, at that time. Permanent permission was granted in 2017⁶, restricted to Gypsies and Travellers as defined by PPTS 2015.
36. The above analysis suggests the 2015 GTAA over-estimated the then-existing number of Gypsy and Traveller pitches in the district. At best, the supply would have been 7 pitches fewer (4 at Harehill/Aerial Croft and 3 at Stubbing Lane Caravan Park). At worst, and if Stubbing Lane was vacant then, and unlikely to become available within a reasonable timescale, the over-estimate of pitches could have been as high as 41. That is approximately a third of the total number of authorised pitches considered to exist on 31 March 2014. Besides the 28 pitches at Stubbing Lane, the potential total of 41 would have included 8 at Harehill/Aerial Croft and 5 on the land at rear of 31 Cheapside. While some sites without identified planning permissions may be immune from enforcement action, and therefore might be found lawful, relevant evidence has not been produced.
37. Owing to the uncertainty about Stubbing Lane, and whether sites were restricted to occupation by Gypsies and Travellers, a precise figure cannot be identified from the available evidence. However, there is a real possibility that supply was significantly lower than stated in the 2015 GTAA or, if Stubbing Lane was fully operative then, has fallen since. The appellant contends that the errors that were made in calculating supply in the 2015 GTAA have been repeated, or at least not corrected, in the current GTAA. The appellant's research provides the only snapshot of current provision within the district and, in the absence of evidence to the contrary, should be relied upon, subject to appropriate testing.
38. The Council's assessment of need has not been demonstrated to be broadly accurate and there is likely to be a greater need for pitches. It appears the district needs the 27 additional pitches identified in the current GTAA plus

⁵ 02/07/00466. Granted 15 August 2008.

⁶ 17/00102/VOC, granted 26 May 2017.

- between 7 and 41, depending on how inaccurate the 2015 GTAA was, and subject to the position with Stubbing Lane, by 2029.
39. The Council aims to address future provision of Gypsy and Traveller pitches through policy ST32 of the BLP. While little weight may be afforded to the policy at this stage, it does identify where future provision should be made. Given the poor picture with current supply, efforts can and should be made to bring those sites forward. However, the emerging policy provides a framework for the realisation of approximately 21 additional permanent pitches by 2029, fewer than the 27 identified as needed in the current GTAA.
40. The Council has recently granted planning permission for 2 pitches on a site identified in emerging policy ST32 (GT004, East Drayton), so they should be viewed as deliverable. However, that permission is subject to a condition restricting occupation to persons meeting PPTS 2015's definition, limiting the contribution it can make to meeting the district's full need. No evidence of progress on any other site identified in the emerging policy has come forward.
41. The foregoing indicates that the district's supply of pitches for Gypsies and Travellers is not as good as the Council had thought, and it may be significantly worse. There has only been limited progress with sites that could provide additional pitches and the prospect for meeting the district's needs by 2029 is uncertain. 5 years' supply of deliverable pitches has therefore not been demonstrated and this lends significant weight in favour of the change of use and operational development.
42. Policy DM6 of the DPD, adopted in 2011, had anticipated that a Site Allocations Development Plan Document ("the SA") would allocate land to meet the district's residual pitch requirement. However, the Council withdrew the SA in 2015 and began work on the BLP. The lack of progress to date and the apparent over-estimate of pitches currently available for Gypsies and Travellers indicate that an adequate supply is unlikely to be in place for some time.
43. Policy DM6 acknowledges that, if the identified pitch requirements cannot be met through the SA, sites in rural and semi-rural locations may be appropriate where there is reasonable access to services and facilities. The policy and its supporting text do not define 'reasonable access' and very little information has been provided in this respect.
44. The Council considers the site only has limited access to services and facilities but that is to be expected in a rural or semi-rural location and it does not necessarily mean 'reasonable access', as envisaged by the policy, is not achieved. Accordingly, I am satisfied that the site is in a location where the provision of a pitch to meet the needs of a Gypsy or Traveller is appropriate and not inconsistent with policy DM6.
45. While there has been significant delay in allocating sites to meet the needs of Gypsies and Travellers, those needs may be met in the interim through application of the criteria in policy DM6. For that reason, and as I have seen nothing to indicate there was known to be a corresponding long-standing unmet need for sites until the evidence was tested in this appeal, I do not consider that amounted to policy failure.

Personal circumstances

46. The appellant and her family identify as Travellers, meeting the definition in PPTS 2015 and they have travelled extensively in the past. Their travel has reduced in recent years, although they still go to fairs and trade there. The family includes school-age children, and their needs are best met by a secure and stable environment allowing long-term residence. The high proportion of transit pitches among those available elsewhere in the district could only meet those needs for a limited time.
47. The appeal site has provided a quiet and stable home close to relatives. This is of particular importance to a family member who needs a safe and quiet environment and has benefited from living in this secure site in a rural setting. The appellant strongly feels that things have improved for her family since moving to Laneham. She also believes that she and her family enjoy better relations with their neighbours within the settled community than they would if they lived on a larger Traveller site. The grant of planning permission would allow the appellant to obtain a permanent address and register with a local GP, with likely benefit to the wellbeing of family members.
48. For these reasons, the personal circumstances of the appellant and her family would add weight in favour of the change of use and operational development if further justification were necessary.

Other matters

49. It is not suggested that services including mains electricity and water could not be supplied to the site. While there is no sewerage connection, non-mains drainage is common in rural locations. Accordingly, the site would be properly serviced by utilities and accord with criterion v of policy DM6 of the DPD.
50. The Parish Council and a local resident have referred to noise from the use of a generator and from comings and goings, but the Council has not identified any adverse effect on living conditions. In any event, the grant of planning permission would increase the likelihood of mains electricity being supplied, obviating the need for a generator. The activity associated with the site appears consistent with a residential use and is therefore acceptable.
51. While the Parish Council also refers to loss of the site's ecological value there is no evidence of how it may have contributed to ecology before, and the Council does not consider there has been any loss.

Conditions

52. Condition 1 is necessary to restrict occupation of the site to Gypsies and Travellers in view of the limited supply of available sites within the district, which does not justify general residential occupation. For the reasons given earlier, it would be appropriate in this instance to define Gypsies and Travellers to not exclude those who have ceased travelling permanently.
53. Condition 2 is necessary to limit the number of caravans within the site to ensure that those occupying it have sufficient space and to maintain the quiet rural character of the area. The condition should also prevent reintroduction of a taller type of caravan that had been unduly prominent in the landscape.
54. Conditions 3 and 4 are necessary to secure and retain additional landscape planting, which would ensure reasonable privacy and enhance the local environment, as required by criterion iii of policy DM6 of the DPD.

55. Condition 5 is necessary to ensure that the recommendations of the FRA are implemented, so that flood risk is adequately mitigated in compliance with policy DM12 of the DPD.
56. Conditions 6 and 7 are necessary to ensure safe vehicular access and egress for the lifetime of the use, as required by criterion iv of policy DM6 of the DPD.

Conclusion

57. There is limited success on ground (b) in respect of the description of the alleged unauthorised use and the notice may be corrected in that regard without causing injustice. However, for the reasons given above, the appeal on ground (d) fails.
58. For the reasons given, and subject to the imposition of necessary conditions, the change of use and operational development accord with the relevant development plan policies, with the development plan as a whole, and with PPTS 2015. The appeal on ground (a) therefore succeeds and I shall grant planning permission for the change of use and operational development as described in the notice as corrected.
59. In these circumstances, the appeals on grounds (f) and (g) do not fall to be considered.

Formal Decision

60. It is directed that the enforcement notice is corrected in section 3 (the alleged breach of planning control) by:
- The deletion of the words "the siting of a residential caravans" and the substitution of the words "siting of caravans for residential purposes".
 - The deletion of the words "the parking of private domestic vehicles" and the substitution of the words "the incidental parking of private domestic vehicles".
61. It is further directed that the enforcement notice is varied in section 5 (what you are required to do) by:
- The deletion of the words "residential caravans" and the substitution of the words "caravans for residential purposes" in (i).
 - The deletion of the word "parking" and the substitution of the words "incidental parking" in (i).
 - The deletion of the word "hardcode" and the substitution of the word "hardcore" in (iii).
 - The deletion of the word "sewing" and the substitution of the word "sowing" in requirement (iv).
 - The deletion of the words "on over the land" and the substitution of the words "on and over the land" in requirement (iv).
62. Subject to the corrections and variations the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act for the development already carried out, namely the engineering operation to deposit

materials on and over the land, the change of use of the land for the siting of caravans for residential purposes, and associated storage structures, and the incidental parking of private domestic vehicles on land at south of Dunham Road, Laneham, Worksop, Nottinghamshire, DN22 0NB, shown on the attached plan, and subject to the conditions in the attached schedule.

Mark Harbottle

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Green, Director, Green Planning Studio Limited

Jerry-Kay Smith

Kevin Smith

Mike Piotrowski, Principal Hydrologist, GeoSmart Information Limited

FOR THE LOCAL PLANNING AUTHORITY:

John Krawczyk, Development Team Manager, Bassetlaw District Council

Documents submitted at the Hearing

- 1 Letters of notification of the Hearing
- 2 A list of those notified of the Hearing

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) 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 1 shall be a static caravan) shall be stationed on the site at any time. No "American 5th Wheel" type caravans shall be stationed on the site at any time.
- 3) The use hereby permitted shall cease and all caravans, structures (excluding one structure marked orange within the red line on the attached plan), equipment and materials brought onto the land for the purposes of such use, and the materials that form the hard landscape base in the area hatched blue on the attached plan, 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 for tree and hedge planting including details of species, plant sizes and proposed numbers and densities (hereafter referred to as the landscaping scheme) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 6 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 approved landscaping scheme shall have been carried out and completed in accordance with the approved timetable.

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.

- 4) At the same time as the landscaping scheme required by condition 3) above is submitted to the local planning authority there shall be submitted a schedule of maintenance for a period of 5 years of the proposed planting beginning at the completion of the final phase of implementation as required by that condition.

The schedule shall make provision for the replacement, in the same position, of any tree or hedge that is removed, uprooted or destroyed or dies within 5

years of planting or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

- 5) The use hereby permitted shall cease and all caravans, structures (excluding one structure marked orange on the attached plan), equipment and materials brought onto the land for the purposes of such use, and the materials that form the hard landscape base in the area hatched blue on the attached plan, 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 for mitigation of flood risk, including details of the finished ground floor or base levels of all buildings and caravans (excluding one structure marked orange within the red line on the attached plan) at not less than 7.14 m AOD, (hereafter referred to as the flood risk mitigation scheme) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 6 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 approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved flood risk mitigation scheme specified in this condition, that scheme shall thereafter be 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.

- 6) Visibility splays of 2.4 m x 21.8 m to the south and 2.4 m x 21.5 m to the north, measured from the back edge of the carriageway, shall be maintained free from obstruction at the junction of the private access driveway and Dunham Road for the lifetime of the use hereby permitted.
- 7) The use hereby permitted shall cease and all caravans, structures (excluding one structure marked orange within the red line on the attached plan), equipment and materials brought onto the land for the purposes of such use, and the materials that form the hard landscape base in the area hatched blue on the attached plan, 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 for the surfacing and drainage of the private driveway where it crosses the highway verge

(hereafter referred to as the driveway surfacing scheme) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

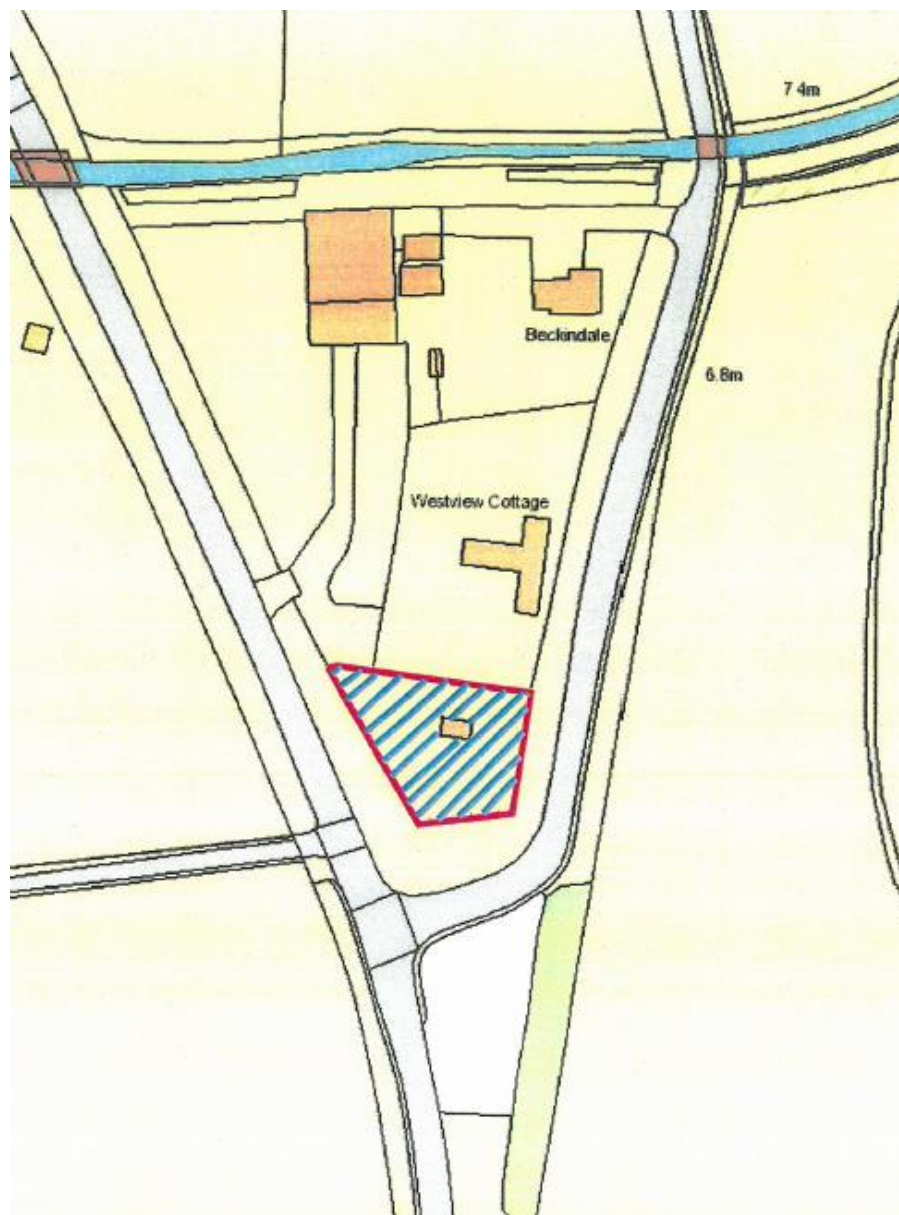
- ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance 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 approved scheme shall have been carried out and completed in accordance with the approved timetable unless the highway authority withholds any necessary consent.

Upon implementation of the approved driveway surfacing scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Plan

This is the plan referred to in conditions 3), 5) and 7):



Not to scale