



Appeal Decisions

Hearing held on 20 July 2023

Site visit made on 20 July 2023

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State

Decision date: 04 September 2023

Appeal A Ref: APP/Q3305/C/22/3292439

Westside, Honeyhurst Lane, Rodney Stoke, BS27 3UJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Ms Elizabeth Smith against an enforcement notice issued by Mendip District Council.
 - The enforcement notice, numbered ENF/2021/0158, was issued on 10 January 2022.
 - The breach of planning control as alleged in the notice is failure to comply with a condition imposed on a planning permission (Council ref 112284/005) granted on appeal ref APP/Q3305/A/03/1122950 dated 5 April 2004, which states: Within 2 months of the first occupation of the extension hereby permitted, the existing mobile home and its hardstanding shall be permanently removed from the site. No other mobile home or residential caravan shall be sited on the land without the prior written permission of the local planning authority.
 - The notice alleges that the condition has not been complied with due to the siting and residential occupation of a caravan.
 - The requirements of the notice are to: 1. Cease the use of the caravan as a residential dwelling, in the approximate location; and 2. Permanently remove the caravan and all associated residential paraphernalia from the land.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (f), (g) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act also falls to be considered.
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Appeal B Ref: APP/Q3305/W/23/3318919

Westside, Honeyhurst Lane, Cheddar, Somerset, BS27 3UJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the 1990 Act for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Elizabeth Smith against the decision of Mendip District Council.
 - The application Ref 2022/0956/VRC, dated 6 June 2022, was refused by notice dated 21 September 2022.
 - The application sought planning permission for "Extension to existing dayroom to form bungalow" without complying with condition 5 attached to planning permission Ref 112284/005 granted on appeal Ref APP/Q3305/A/03/1122950 dated 5th April 2004.
 - Condition 5 states: The development shall not be occupied other than by Gypsies and their families as defined in Section 24(8) of the Caravans Sites and Control of Development Act 1960 as amended, or such other persons as first agreed in writing by the local planning authority.
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Decisions

Appeal A

1. It is directed that the enforcement notice is amended by:
 - the substitution, in section 1 of the notice, of the words "section 171A(1)(b)" by the words "section 171A(1)";
 - by the deletion of the description of the land in section 2 of the notice and its replacement by "Land at Westside, Honeyhurst Lane, Cheddar, Somerset, BS27 3UJ outlined in red on the plan attached to the notice";
 - by the deletion of the breach of planning control in section 3 and its replacement by the words ""Without planning permission, the material change of use of the land to use for the stationing of a mobile home for the purposes of human habitation.";
 - by the deletion in section 5 paragraph 1 of the words "in the approximate location";
 - and by the substitution of the plan attached to the notice by the plan annexed to this decision.
2. Subject to these amendments, 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 material change of use of the land to use for the stationing of a mobile home for the purposes of human habitation at Land at Westside, Honeyhurst Lane, Cheddar, Somerset, BS27 3UJ, subject to the conditions set out the Schedule attached to this decision.

Appeal B

3. The appeal is allowed and planning permission is granted for "Extension to existing dayroom to form bungalow" without complying with condition 5 attached to planning permission Ref 112284/005 granted on appeal Ref APP/Q3305/A/03/1122950 dated 5th April 2004 at Westside, Cheddar, BS27 3UJ, in accordance with the terms of the application, Ref 2022/0956/VRC, dated 6 June 2022. No other conditions are attached to this permission, the remaining conditions imposed on permission Ref 112284/005 having been discharged or no longer serving any useful purpose.

Application for costs

4. An application for costs was made by the appellant against the Council. This is the subject of a separate decision.

Preliminary Matters

5. The appeals concern a roughly rectangular block of land in the open countryside about a kilometre from the villages of Rodney Stoke and Draycott. Access from Honeyhurst Lane is along the south-eastern boundary, leading to a yard area with a former agricultural barn, beyond which, in the south-western corner, is a bungalow and garage. The rest of the land is an open field. The plan attached to the enforcement notice is agreed to be incorrect insofar as it

includes highway land. This could be remedied by attaching a new plan. I return to this below.

Relevant planning history

6. Temporary planning permission was granted on 10 January 1997 (Ref. 112254/000) for the use of the land by a single traveller family ("the 1997 Permission"). The permission, which was personal to the applicant Mr Morris Smith, was due to expire on 31 December 2001. A maximum of three residential caravans were permitted, and these were to be stationed within the existing former agricultural building, and not in the open field.
7. Subsequently an appeal¹ hearing concerning an enforcement notice alleging the construction of a utility building and hardstanding, a retrospective application for the same and an application to remove the condition (number 4) on the 1997 permission restricting the siting of caravans granted permission for the hardstanding and utility building and varied the siting condition to allow caravans to be located either in the building or on the hardstanding, whose location was marked on a plan attached to the decision letter. The permissions granted for the operational development were personal to the applicant and temporary, as with the 1997 permission. The permission allowing alternative siting of the caravans still precluded siting in the open field. The other 1997 conditions were re-imposed.
8. The plan attached to that decision, which showed all of the land with the hardstanding annotated within, was used as the application plan for a standalone application (Ref. 112284/004) for permanent permission for use of the land by a single traveller family, granted on 19 April 2002 ("the 2002 Permission"). This permission was not personal, but did impose a condition restricting use to "gypsies and their families as defined in Section 24(8) of the Caravans Sites and Control of Development Act 1960 as amended". The permission authorised use for only one caravan or mobile home, but it did not impose any condition restricting the location of the caravan/mobile home.
9. Planning permission was then granted at appeal on 5 April 2004 (112254/005), (appeal reference APP/Q3305/A/03/1122950) for an extension to the day room to form a bungalow to provide a better standard of accommodation for family members who had health conditions ("the 2004 Permission"). This permission also restricted occupation of the bungalow to Gypsies/Travellers, and required the removal of the existing mobile home and its hardstanding, with no other mobile home or caravan permitted to be sited on the land without the prior written permission of the local planning authority.
10. An application made in 2015 for Change of use to 5 No. Romany Gypsy pitches including 5 No. static caravans, 5 No. day rooms, 5 No. touring caravans & associated works on about half of the open field was refused and dismissed at appeal (Ref APP/Q3305/W/15/3136648).
11. Mendip District Council is now subsumed in Somerset Council, but the Mendip District Local Plan 2006-2029 (MDLP) remains a part of the development plan and contains the policies most relevant for these appeals.

¹ Appeal Refs APP/C/97/Q3305/640409 and APP/Q3305/A/97/284783-4

Appeal A

The Notice

12. The notice alleged a breach of condition, and among the grounds of appeal is ground (a), that planning permission should be granted for the matters alleged. However, for reasons which I set out below, after considering the appeals on grounds (b) and (c) I concluded that no useful permission could be granted on the deemed planning application accompanying ground (a). I explain more fully under ground (a) below. In view of the powers of amendment under section 176(1) of the Act I therefore sought the agreement of the main parties to amend the description of the alleged breach to "Without planning permission, the material change of use of the land to use for the stationing of a mobile home for the purposes of human habitation." The parties agreed that no injustice would be caused, with the proviso, in the case of the appellant, that I deal with the appeals on grounds (b) and (c) as originally made. For clarity I do so below.
13. Since the notice as amended will refer to a material change of use, I must also have regard to the appropriate planning unit. In this case it is abundantly clear that the planning unit comprises the land abutting and to the north-east of the bungalow and its immediate curtilage (essentially the application site for the 2004 permission, minus the accessway to Honeyhurst Lane) extending to the row of cypress trees just beyond the location of the mobile home. This does not include the open field to the west and north. I shall also, therefore, amend the notice by attaching a new enforcement notice plan restricting the land to which the notice relates to the relevant planning unit. I consider that this does not cause any injustice to the parties.

Grounds (b) and (c) – notice unamended

14. Ground (b) is that the matters alleged in the notice have not occurred, while the basis of an appeal on ground (c) is that if those matters have occurred, they are not a breach of planning control. The burden of proof in each case lies with the appellant, and the test is the balance of probabilities.
15. The ground (b) appeal concerns the siting of the caravan, and whether it is on land that is subject to condition 4 of the 2004 permission. The best available application plan is black and white only, or at least any colour is not readily distinguishable. It shows the entirety of the rectangular holding outlined by a thick line, within which is a small rectangle in the southernmost corner, attached to which is a long narrow strip leading to the highway. The plan is annotated "File Note – Site plan amended by applicant to include access track – 2/4/03". The smaller rectangle in the southernmost corner is where the utility building the subject of the application and appeal was sited, along with the hardstanding permitted under the 1998 permission upon which the mobile home being occupied at that time by the Smith family was stationed. The bulk of the hardstanding and the mobile home were required by condition 4 to be removed from the site, with the further stipulation that no other mobile home or residential caravan be sited on the land without the prior written approval of the local planning authority.
16. The text of the 2004 decision letter makes it quite clear that it is within the land enclosed by the smaller rectangle that the utility building and mobile home were sited, and that that comprised the application site, with the larger

rectangle being other land in control of the appellant, the former commonly being enclosed by a red line in planning applications and the latter by a blue line. I consider, on the balance of probabilities, that that colour scheme was used in the 2004 appeal application plan. No such distinction appears to have been made in the previous applications or appeals, all of which used the entire land holding (the 'Blue' land)

17. The caravan the subject of the notice is, and has been, sited within the Blue land but outside of the application site (the Red land). Planning conditions can control matters on land outside of the application site, but the appellant's case on this ground is that the scope of condition 4, save any express direction that it should apply to the Blue land, is confined to the Red land, and hence that the caravan is not in breach of condition 4. However, while condition 4 required the removal of the mobile home present at the time from the **site** (my emphasis), the part of the condition precluding the siting of any other mobile home or caravan applies to the **land**. To the extent that there may be any ambiguity as to the meaning of a condition, it is permissible to look for clarity in the appeal decision letter itself. Where relevant, the decision letter refers to the wider holding as the land, but to the application site as the site. In that context I consider, on the balance of probabilities, that so far as condition 4 precludes siting of a caravan on the **land**, it is referring to, and applies to, the land enclosed by the blue line, which includes the location of the mobile home. For this reason the appeal on ground (b) must fail.
18. The ground (c) argument is that the siting of the mobile home benefits in any case from the 2002 permission. That stand-alone permission was for "Use of land by single traveller family", restricted by condition to no more than one caravan or mobile home, with no restriction on siting, by contrast with the previous permissions which conditioned the siting of the caravan/s. However, the 2004 permission, ostensibly for operational development but implicitly including the purpose of the building, a single dwellinghouse, and restricted to occupancy by "Gypsies and their families", is essentially for the same thing, the provision of residential accommodation for a Traveller family, but with the siting of caravans on the land the subject of the 2002 permission precluded, such that the two permissions are incompatible. With the implementation of the 2004 permission, I consider that the 2002 permission has no continuing effect, and the appeal on ground (c) cannot succeed.

Ground (a) and the deemed planning application

The notice and the deemed planning application

19. Ground (a) is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged. The breach of planning control described in the notice is the failure to comply with a condition, the deemed planning application is for the original act of development, in this case the "extension to existing dayroom to form bungalow" without complying with the residual element of condition 4 which has continuing effect, namely the preclusion of the siting of caravans or mobile homes on the land. The deemed planning application is thus analogous to applications made under sections 73 and 73A of the 1990 Act. Section 73(2) provides that on such an application the local planning authority shall consider

only the question of the conditions subject to which planning permission should be granted.

20. The scope of section 177, so far as it relates to the power to grant planning permission on the deemed planning application, goes no further than that. Further, while development outside of the application site can be controlled by condition, there is no power to grant permission for development outside of the application site for the original development, which in this case is only the land around the dwelling permitted in 2004 along with the access drive. As it stands then there is no power to grant the planning permission sought by the appellant, that is for the stationing of a caravan on the land for the purposes of human habitation. At most planning permission can be granted for the bungalow without condition 4, which would resolve the particular breach of planning control, but which would leave unresolved the material change of use.
21. In substance, what the Council is concerned about is the material change of use of the land. An enforcement notice aimed at that breach of planning control would enable the planning merits of the material change of use to be fully considered. The power of an Inspector to amend the notice to one alleging a material change of use can only be exercised where there would be no injustice to either party. Since the planning merits were fully considered at the hearing, as set out above, I sought the views of the parties on whether any injustice would arise from my amending the notice to refer to the material change of use of the land, in a situation where to persist with the notice as issued would serve little purpose if the appeal on ground (a) were to succeed and still leave unresolved a breach of planning control which would, in all likelihood, require either further enforcement action or a planning application. As briefly noted above, the parties agreed no injustice would arise.
22. I have also amended the enforcement notice plan so as to exclude the application site for the dwellinghouse/bungalow and the open field. This avoids any potential incompatibility between the enforcement notice and the section 73 application appeal also being determined, and ensures that the consideration of the caravan site deemed planning application properly reflects the area of land, the planning unit, on which it has occurred, which I could see was clearly confined to land physically and functionally separate to the open field.

Main issues

23. The main issues are the effect on character and appearance of the area and, if there is conflict with the development plan, whether there are other material considerations sufficient to outweigh the conflict.

Reasons

24. The site lies in the open countryside on the fringe of Stoke Moor, which is part of an extensive, low-lying, open and predominantly flat landscape. The relevant landscape character area is the Stoke/Westbury/Knowle Moor landscape character area, described as "flat open pasture moorland; uninhabited; having a closely spaced regular network of rhynes; scattered willow and hawthorn on field boundaries". The site lies on the edge of this landscape character area, at the foot of the Mendip Hills escarpment which rises steeply from the plain to an elevation of around 250m AOD. The boundary of the Mendip Hills Area of Outstanding Natural Beauty (AONB) lies roughly 1km from the site. In the 2016

appeal regarding the proposed siting of mobile homes in the open field, the Inspector found that proposed new planting on that site would eventually provide good screening, winter months aside, from lowland locations immediately around the site. However, he concluded that the development would be visible from a number of publicly accessible vantage points on higher ground within the nearby AONB which provide vistas across the extensive open landscape of the low-lying Moors. He found that the boundary planting proposed would not significantly reduce the extent of these downward views of the site, and that the proposal would amount to a significant element of development in this open countryside setting, causing a significant degree of harm to the character and appearance of the area.

25. However, the siting of the mobile home at present is such that it is unlikely to be visible from any vantage point. It is sited close to the former agricultural building and with dense hedging or trees on the other 3 sides effectively screening it from views from outside the site. Hence there would be no visual impact if that degree of screening can be maintained.
26. So far as the general character of the area is concerned, new residential development in the countryside is strictly controlled by Policy CP1 of the Mendip District Local Plan 2006-2029 (MDLP) in the interests of sustainable patterns of growth. Gypsy/Traveller sites are not among the types of development supported in the countryside by Policy CP1 and its related Policy CP4, but Policy DP15, which seeks to address the need through allocations and by applying criteria to sites that come forward, does not restrict sites to built-up areas, nor does national planning policy. The one major allocated site has not progressed, so at present, and indeed into the foreseeable future, Gypsy/Traveller site provision is likely to rely upon sites coming forward through applications, and these are more likely than not to be located outside of built-up areas. While national planning policy does advise local planning authorities to very strictly limit new traveller development in the countryside that is away from existing settlements or outside areas allocated, it does not preclude countryside sites but expects sites in rural areas to respect the scale of, and not dominate, the nearest settled community, neither of which are at issue here. In terms of the wording of PPTS, I consider that the reasonable proximity to Rodney Stoke and Draycott means that the site is not 'away' from existing settlements in any case, and indeed the Inspector in 2016 noted that proximity and recorded that the sustainability of the site in that sense was not disputed by the Council. In view of the proximity of the site to the local villages, its previously developed condition, and the reasonable proximity of other residential development, I consider that the development would not cause harm to local character.
27. Policy DP15 is formulated to meet identified needs for Gypsy/Traveller sites. PPTS expects local planning authorities to make their own assessment of need for the purposes of planning, but no formal assessment has been made since 2013. It is not disputed in any case that there is now a substantial unmet need for sites which needs to be borne in mind when applying the criteria based part of Policy DP15. All are met or partially met in this case. The partially met criteria is that which requires that sites not be located in areas deemed at high risk of flooding. This issue was considered in the 2016 hearing. On the basis of a Flood Risk Assessment, the Inspector was satisfied that measures could be taken to ensure the safety of any occupants while avoiding any appreciable flood risk consequences elsewhere. As such I am satisfied that the

development complies with Policy DP15. It would meet an identified need, there are no identified alternatives, there is adequate access to services, it has safe and convenient road access, and it would not have adverse landscape or ecological impacts.

28. When considering whether there is compliance with the development plan, it is frequently the case that there are policies which pull in opposite directions. Here there is not strict compliance with Policy CP1, or with the related Policy CP4, which sets out the approach to development in rural settlements and the wider rural area, but any conflict with these policies, which is limited in any case, must be given reduced weight because they are not fully consistent with the National Planning Policy Framework (NPPF), which in its current form post-dates the local plan, takes a less restrictive approach to development in the countryside, and which, read in conjunction with PPTS, recognises that Gypsy/Traveller sites can be acceptable in a countryside location. In view of the significant shortfall in Gypsy/Traveller sites and the likelihood that that need will have to be met for now by sites coming forward on a windfall basis, I consider that substantial weight should be given to compliance with Policy DP15. Looking at the situation in the round, I consider that the development does comply with the development plan when it is read as a whole.
29. While evidently personal considerations have been in the balance at times, the site is, and has historically been, a suitable location for a Gypsy/Traveller site when all of the circumstances have been considered, notwithstanding that there has always been some conflict with the development plan spatial policies. Since I have concluded that the proposal accords with the development plan, I do not need to go into detail about the personal considerations put forward in this case, save to say that the benefits of the provision of a stable family base for children, whether living there or visiting for family contact purposes, while also facilitating a nomadic way of life are factors which would weigh significantly in favour of the development, as would the failure of the Council to identify a supply of specific deliverable sites sufficient to provide 5 years worth of sites against their local targets.
30. In view of the underlying policy considerations it is necessary to restrict occupancy to Gypsies and Travellers. Since the current PPTS definition is unlawful, I shall frame that condition around the previous definition which is long-standing and has not, as far as I am aware, been challenged as discriminatory. In the interests of local character I shall also impose conditions limiting the number of caravans, restricting commercial activities, requiring details of site layout and particulars, including measures to retain existing trees and hedges. Since there remains an element of flood risk that will require measures to avoid, I shall also require the submission of a flood risk assessment including measures to ensure the safety of occupiers and avoidance of flood risk elsewhere.
31. Overall, for the reasons above, and having considered all other matters raised, I conclude that the appeal should succeed on ground (a) and that planning permission should be granted on the deemed application. The notice, as amended, shall therefore be quashed, hence the appeals on grounds (f) and (g) do not fall to be considered.

Appeal B

32. This is the appeal against the refusal of the Council to approve the removal of the condition restricting occupancy of the bungalow to Gypsies and Travellers. The appeal turns on whether the occupancy condition is reasonable and necessary, having regard to:

- whether the bungalow can legitimately, or reasonably, be considered as a Gypsy/Traveller site,
- the location of the site, and
- the consequences of the loss of a gypsy and traveller site, if that is the case.

Whether Gypsy/Traveller site

33. The Inspector in 2004 restricted the occupancy of the bungalow to "Gypsies and their families as defined in Section 24(8) of the Caravans Sites and Control of Development Act 1960 as amended". The definition referred to in the 1960 Act is: "gypsies" means persons of nomadic habit of life, whatever their race or origin, but does not include members of an organised group of travelling showmen, or persons engaged in travelling circuses, travelling together as such. The current definition in Planning Policy for Traveller Sites has been found by the courts to be discriminatory, hence it is practice now to revert to the definition its replaced, namely the PPTS 2012 version which states: *For the purposes of this planning policy "gypsies and travellers" means: 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.*

34. For the purposes of this appeal, it is notable that it is the nomadic way of life that is central to the definition, hence retaining the condition can only be considered reasonable if it means that the bungalow is capable of supporting or facilitating a nomadic way of life. This is consistent with the overarching aim of government policy to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

35. The appellant argues that a dwellinghouse cannot constitute a gypsy and traveller pitch, such being inconsistent with the nomadic way of life of gypsy and travellers. This is not strictly true as there are numerous Gypsy and Traveller sites where some occupants live in dwellinghouses. As the now superseded Circular 1/06 noted, traditional patterns of work are changing and the community has generally become more settled. Many sites are now occupied year round by at least some family members, and as with the appellants in 2004, bricks and mortar housing can be seen as preferable in certain circumstances. It is also the case however that many Travellers have an aversion to living in conventional housing, so at best the bungalow as it stands would only be suitable to meet the needs of some Travellers. In view of condition 4 of the 2004 permission, which precludes the siting of caravans on the land, however, that is likely to be limited to those who have ceased travelling permanently and who have no cultural aversion to conventional

housing. In my view that is likely to comprise only a very small proportion of Gypsies and Travellers in need of sites.

36. In the main, however, as is clear from PPTS, and indeed from the most relevant development plan policy, DP15 whose accompanying text refers only to making provision for residential and transit pitches, the purpose of gypsy and traveller planning policies is to facilitate the nomadic habit of life by addressing the need for sites for caravans. There are many more options open to those seeking bricks and mortar accommodation. With the occupancy restriction and with condition 4 remaining, the site would not assist in meeting the needs of gypsies and travellers for caravan sites. Removing condition 4 would not necessarily change matters greatly because so far as the application site itself is concerned there is little room for siting caravans for residential use, and even then that could amount to a material change of use depending on the circumstances.

Location and protection of existing Traveller sites

37. So far as the location is concerned, removing or retaining the condition is unlikely to make any difference to the need to travel by private car, and in reality, having regard to the reasonably good availability of services in the surrounding area, many journeys are likely to be short. No issues have been raised in respect of the effect on local character or appearance, or on the local road network. The development plan does restrict development in the countryside in the interests of sustainability among other things, but aside from the possibility that the loss of a Traveller site might add to pressure to find alternative sites elsewhere, potentially in the countryside, it is difficult to see how retaining the condition could be justified on that basis.
38. But in any case, the potential, were the condition to be retained, for the dwellinghouse to ease the need for additional Gypsy/Traveller sites in the future is extremely limited, given its inherent non-suitability for Travellers continuing to live a nomadic way of life. As such I consider that removing the condition would not result in the loss of a *bona fide* Traveller site, hence there would be no conflict with DP15 in that respect.

Conclusion

39. All things considered therefore I consider that the condition restricting occupancy of the bungalow to Gypsies and Travellers serves no good purpose in planning terms, hence it is neither reasonable or necessary to retain it, and the appeal succeeds accordingly. This means that a new permission will be granted, and in doing so I have also considered whether condition 4, precluding the siting of caravans on the land, should be retained. I have granted planning permission for a Traveller pitch on the wider land, so there is no clear purpose in retaining the condition. It would only apply to the application site itself, and is an unnecessary and unjustifiable restriction. Similarly conditions 1, 2 and 3 no longer serve any purpose or have been discharged and so do not need to be reimposed.

Paul Dignan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Green	Planning Consultant
Elizabeth Smith	Appellant
Henry Smith	Occupant
Gary Smith	Family member

FOR THE LOCAL PLANNING AUTHORITY:

Simon Trafford	Mendip DC
Ed Winter	Mendip DC

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Schedule of Conditions

1. The site shall not be occupied by any persons other than 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 (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.
3. 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, including details of: the internal layout of the site, including the siting of caravans; areas for vehicular access and turning and manoeuvring; the means of foul water drainage of the site; areas of hardstanding; fencing and other means of enclosure; details of existing trees and hedgerows to be retained on the site, including measures for their protection, details of hard and soft landscaping including details of finished hard surface materials, species, plant sizes and proposed numbers and densities, along with details of soft landscaping maintenance, shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - 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.
4. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 3 months of the 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 permission a Flood Risk Assessment (FRA), including measures for the avoidance or

- mitigation of flood risk and a timetable for implementation, shall be submitted to the local planning authority for its approval in writing.
- ii) within 6 months of the date of this decision the FRA shall have been approved by the local planning authority or, if the local planning authority refuse to approve the FRA, 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 FRA shall have been approved by the Secretary of State.
 - iv) the FRA shall have been implemented in accordance with the approved timetable, and shall be thereafter retained and complied with for the duration of the development.
5. No commercial activities shall take place on the land, including the storage of materials.



The Planning Inspectorate

This is the plan referred to in my decision dated: 04 September 2023

by Paul Dignan MSc PhD

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