



Appeal Decision

Hearing Held on 19 September 2023

Site visit made on 19 September 2023

by Hollie Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2023

Appeal Ref: APP/D0121/W/23/3322803

Field to the south of Laurel Place Farm, New Road, Churchill

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bobby Birch against the decision of North Somerset Council.
 - The application Ref 22/P/2809/FUL, dated 22 November 2022, was refused by notice dated 4 April 2023.
 - The development proposed is creation of 2no. traveller and gypsy caravan pitches together with the provision of 2no day rooms and associated hardstanding.
-

Decision

1. The appeal is allowed and planning permission is granted for creation of 2no. traveller and gypsy caravan pitches together with the provision of 2no day rooms and associated hardstanding at Field to the south of Laurel Place Farm, New Road, Churchill, in accordance with the terms of the application, Ref 22/P/2809/FUL, dated 22 November 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. An area of enclosed hardsurfacing had been laid across part of the site and the residential use of the land had commenced through the stationing of four touring caravans prior to my visit. I have dealt with the appeal on this basis. The Council have commenced enforcement proceedings through the serving of notices, which have been appealed separately.
3. The Council agreed that the Appellant, his immediate family, Mr Isaacs and his wife and their immediate family are all Travellers as defined by Annex A of the Planning Policy for Traveller Sites (2015) (PPTS), and that their needs should be considered collectively given that they live as an extended family. On the basis of information provided to me, I have no reason to reach a different conclusion and have considered the policies of the PPTS.

Main Issues

4. The main issues are:
 - the need for pitches for Gypsies and Travellers in the area;
 - the effects of the proposal on the character and appearance of the area, including whether it would preserve or enhance the Mendip Hills Area of Outstanding Natural Beauty (AONB);

- the effects of the proposal on protected species and the biodiversity interests of the site;
- whether a suitable and safe access to the highway could be maintained to serve the development over its lifetime; and
- the accommodation needs and other personal circumstances of the proposed occupiers, and consideration of relevant statutory duties and rights.

Reasons

Need for pitches

5. Through the Statement of Common Ground, the parties agree that the Council cannot demonstrate a 5 year supply of Gypsy and Traveller sites as required by the PPTS. The *Gypsy and Traveller Accommodation Assessment of 2022* (GTAA) forecasts the needs for pitches across the plan area to the year 2042. The Council is in the process of producing a new Local Plan which will run to 2039. The GTAA forecasts that there is a need for 37 pitches for households that meet the definition set out in Annex A of the PPTS. It identifies that of those 37 pitches, 25 pitches will be required in the period 2022 – 2026.
6. Separately, the GTAA identifies that 9 pitches will be required for households of an undetermined status and a need for a further 65 pitches for households that do not meet the PPTS Annex A planning definition over the plan period.
7. The Council advised that its emerging policies will address the identified needs through a criteria-based policy alike Policy CS18 in the existing *Somerset Council Core Strategy* (2017) (Core Strategy), but also through site intensification, allocations and through requirements to deliver pitches through larger strategic allocations. However, the plan formulation process is at a relatively early stage, and I can attribute limited weight to any suggested emerging approaches.
8. The Council has provided evidence that permissions have been given recently for a moderate number of pitches. I am encouraged by this, though the permissions granted do not appear to have reduced significantly the number of pitches required by 2026. Therefore, I agree that the Council is unable to demonstrate the requisite 5 year supply of pitches and, in my view, the current level of unmet need is high.
9. It is however noted that the GTAA does not attribute any figure to the needs of households migrating into North Somerset from other local authority areas given the lack of firm evidence to suggest that there were any households seeking to do so. However, the Appellant and his extended family have done just that, albeit only based on their desire to remain within reasonable proximity of Bristol and Taunton, as has always been the case.
10. The GTAA, in paragraph 7.30, sets out that any applications for additional pitches as a result of in-migration should be seen as windfall need and should be dealt with by a criteria-based local plan policy and will not contribute towards meeting needs identified in the GTAA and the 5-year supply. In my view, the needs of two inwardly migrating households within this appeal have not been identified through the GTAA and any permission granted for them should not discount the need for pitches that have been properly assessed to arise from within the plan area.

11. In summary, I have had regard to the absence of a five year supply and high level of unmet need within the area which provide support for the proposal, despite that the Appellant and the extended family's needs are additional to those.

Character, appearance and AONB

12. The site is a broadly rectangular, gently sloping piece of land extending to around 0.33 hectares, accessed from the A38 (New Road) and wholly within the AONB. It is bound by hedgerows with trees around all sides, with protected substantial Lime trees to the south and mixed species hedgerows to the north, east and west. A small wooden field shelter exists near the access point in the south-western corner. The access itself runs across a bridge over a culvert behind the footway. Whilst the site is within a small gap between the settlements of Churchill and Doleberrow, scattered residential properties lie within a short distance in both northerly and southerly directions.
13. In terms of local landscape character, the site falls within the '*E1: Mendip Ridges and Combes*' landscape character area (E1 LCA) as defined by the North Somerset LCA Supplementary Planning Document 2018 (SPD). The distinctive features of the E1 LCA are its dramatic topography, extensive broadleaved woodlands, settlements largely at the base of the slopes and its generally highly rural and peaceful qualities. The E1 LCA is noted in the SPD as being at risk of erosion through diversification of land uses which are sometimes visually intrusive and from encroachment of development along roads and villages.
14. The special qualities of the AONB are described in the AONB Management Plan (2019) as primarily based around the rise of the distinctive Mendip Hills from the Somerset levels and moors, and the views from and towards them; the distinctive dark skies and naturalness of the area; the diverse and visible geology; wooded combes; and drystone walls.
15. The appeal site is only a small part of the LCA and broadly fits some of the characteristics described in the SPD. The busy A38 road and ongoing growth around Churchill detract from its rurality and peacefulness. Similarly, the site is a small and relatively peripheral part of the AONB. Nonetheless, its green, undeveloped and verdant qualities combine to contribute modestly to the special qualities of the AONB.
16. From a visual perspective, the extent of visibility of the site is relatively contained to a localised area by its low lying nature, surrounding landform and by clusters of woodland. From the evidence and from my visit to the area, the only views of the site of note are from the adjoining A38 and from elevated positions of viewers on the public right of way (PROW), Ref AX14/18/10, which rises steeply up to a local ridge towards the cluster of dwellings known locally as Churchill Batch.
17. The landscape character effects of the proposal would be to change a relatively unobtrusive horse paddock to a site with a collection of structures, buildings and associated hard landscaping. It would appear to extend development further away from village in a manner inconsistent with the SPD and would be visually intrusive when considered relative to the site's former green and natural qualities.

18. The visual effects of the scheme would be experienced by users of the PROW and A38. Despite gaps in the north-western corner, the roadside hedgerow does however filter these views to a degree. Whilst the deciduous nature of the hedgerow species will inevitably mean that for months of the year, the interior of the site will be more visible, many of the species in this hedge are robust, multi-stemmed species which present a denser structure than single-stemmed trees, even when leaves are absent. I therefore consider that there would be some benefit of screening from the PROW and A38 throughout the year. Further harms could be minimised through the provision of landscaping to soften the impact of the development.
19. Drawing all of these aspects together, the proposal would cause a modest degree of localised harm to the character and appearance of the area and would fail to conserve the AONB for these reasons. It therefore conflicts with Policy DM11 of the *Development Management Policies Sites and Policies Plan – Part 1* (DMD), which requires that any development will need to conserve and, where possible, enhance the landscape and scenic beauty of the AONB. Conflict also arises with Core Strategy Policies CS5, CS12 and CS18, and Policy DM10 of the DMD which collectively require proposals to be carefully integrated into the natural, built and historic environment to maintain a strong sense of place and give consideration to the screening of any site proposed for traveller pitches, along with any visual and landscape impacts.

Protected species and biodiversity

20. The site falls within consultation zone 'Band C' of the North Somerset and Mendip Bats Special Area of Conservation¹ (SAC). As its name suggests, the SAC is designated for its bat population and, in particular, the rarer Greater Horseshoe bat species, *Rhinolophus ferrumequinum*, and Lesser Horseshoes, *Rhinolophus hipposideros*. The landscape features in areas around the SAC, including those falling within Band C, can provide important foraging habitat for bats and therefore, any changes have the potential to affect the favourable conservation status of the species. It is for this reason that the *North Somerset and Mendip Bats Special Area of Conservation Supplementary Planning Document* (2018) (Bat SPD) sets out the survey requirements for development relative to the consultation zone and type of development proposed.
21. Within Band C areas, the Bat SPD notes that survey efforts required will depend on whether a commuting structure is present and the suitability of adjacent habitat to support prey species hunted by horseshoe bats. Whilst an ecologist was not appointed to consider this proposal at the earliest available opportunity, the submitted Ecology Appraisal² (EA), sets out that the existing field shelter and trees have been assessed as providing negligible habitat value for bats, but the site's boundaries have good connectivity to surrounding hedgerows and nearby woodland that could be utilised as commuting routes. Based on its small scale nature and that the proposal omitted any physical changes to the hedgerows and trees, the EA did not recommend any further bat surveys. However, a lighting design was recommended to maintain dark corridors around hedgerows.
22. No lighting strategy has been provided with the scheme. The Bat SPD suggests that such a strategy, including both external and internal light sources, should

¹ Designated under the Conservation of Habitats and Species Regulations, 2017, as amended

² EA by Quantock Ecology dated 17/05/2023

avoid light spill and maintain luminance level changes within proximity of the hedgerows to no more than 0.5 lux, or where not possible, not exceeding baseline light levels. Although there is currently no plan to provide external lighting, the requirement by way of a planning condition for such a lighting strategy relative to a fixed site layout would provide the scientific certainty that the development could proceed without harm to the integrity of the SAC.

23. The EA also recommends the implementation of a number of enhancement measures to improve the biodiversity value of the site and to provide for other species, such as reptiles, dormice and birds. The opportunity to secure these enhancement measures has not been missed, and a planning condition could secure them within an appropriate timeframe.
24. Therefore, in the context of the small scale and nature of the site and proposal, and the way in which features of biodiversity value would be retained and further protected by way of planning conditions, as competent authority in undertaking an appropriate assessment under the Habitats Regulations, I find that the proposal would have a neutral effect in terms of the integrity of the SAC. The proposal could also deliver modest wider biodiversity benefits by way of planning conditions. The proposal therefore complies with Core Strategy Policy CS4 and DMP Policy DM8 which together, require that the development shall not have an adverse impact on the identified sites of international importance and, more generally, maintain and enhance the biodiversity of North Somerset.

Highways access

25. The existing access from the A38 to the site is over a bridge across the culvert which is around 4.5 metres wide. The roadside boundary hedge extends to the edge of the access gap. In the vicinity of the site, the speed of vehicles is restricted to a maximum of 40mph, although anecdotally, it was suggested that vehicle speeds were regularly higher.
26. On emerging from the site onto the bridge, visibility splays in the region of 2.0m x 120m are achievable within highway land, but setting the vehicle back the optimum distance from the carriageway edge at 2.4m means that the visibility splays take in an area of the grass verge in front of the roadside boundary and culvert, more so to the northern side than the south. The areas of grass verge have speed restriction signs, litter bins and drainage manhole covers within them. As agreed between the parties, the verges have been cut at times either by or on behalf of the Council and the drainage body responsible for the culvert, though when left untended for too long, the vegetation has grown relatively high and unkempt.
27. The verge is allegedly not within adopted highway land owned by the Council and nor is it owned by the Appellant. The Appellant has sought the owner and served the relevant notice of the appeal application by way of certificate D and publications in the local press, but no third party owners have come forward. It is clear to me that the Appellant has taken all reasonable steps to establish ownership and assumptions made about there being no owner, or indeed anyone that could come forward and claim possessory title, seem reasonable. The key questions are therefore whether the verge vegetation growth could be managed for the lifetime of the development given that it is not within the full control of the Appellant, and, whether a condition to such effect would be reasonable to impose.

28. In my view, given that the verge has been maintained on a semi-regular basis on behalf of the Council and/or others without consequence, it seems unlikely that anyone would or could prevent the vegetation being cut down by, or on behalf of the Appellant to maintain a maximum height of 600mm within the visibility splays. Conditions requiring vegetation trimming within visibility splays are commonplace and it seems unlikely to me that this is the only instance where such a condition requires nominal encroachment onto land falling outside of the adopted highway and potentially in unknown ownership. I therefore consider that a condition requiring such would be reasonable in this case, having regard to the six tests for conditions set out in the National Planning Policy Framework (the Framework). The maintenance of visibility over the verge would also maintain a safer egress point for neighbouring occupiers that have a point of access adjoining the southern side of the bridge.
29. Separately, a tracking diagram was requested to show that touring caravans could be towed onto the site without crossing over into the opposite carriageway. The diagram showed that a tourer of 13 metres long being towed by a truck of around 6.6 metres long would need a wider access to manoeuvre into the site without crossing over into the adjacent carriageway. Although no specific detail has been provided to show the widened access, the indication is that it would be around double the width of the existing access and would include the partial removal of frontage vegetation which would have further harmful effects on the appearance of the site and potentially also its biodiversity interests.
30. However, the touring caravans (4 No) have already been positioned on site without necessitating the widening of the access and it has been acknowledged that any future comings and goings involving the use of touring caravans would be infrequent. Similarly, should any static caravans be positioned on site, it would inevitably cause temporary disruption to the free flow of traffic on the A38 in any event. Therefore, in my view, given the straight alignment of the A38, the degree of visibility and infrequency and short duration of the flow of traffic from the manoeuvring of touring caravans, I do not consider that widening the existing bridge would offer any material highway safety benefits. I do however note that consolidating the surface back from the carriageway edge to avoid loose materials spilling onto the highway would be necessary and such could be required by condition.
31. Drawing together the above points, subject to conditions, my view is that the proposal would be served by a suitable and safe access to the highway over its lifetime in compliance with Core Strategy Policy CS10 and DMP Policy DM24, which seek to ensure that proposals are not prejudicial to highway safety.

Personal accommodation needs and circumstances

32. From the evidence, including an eviction notice provided, the family were required to move on from the two sites that they lived on most recently. They have also provided evidence of the difficulties encountered trying to find alternative sites around the area. The family's preference is to live on a private site with the longer-term security it would afford. The Council could not identify any sites available at the time of the hearing that could meet the needs of the family. The offers of previously available Council-owned pitches were not considered to be appropriate, given the cultural differences between them as Romany Gypsies and the predominant Irish Traveller ethnicity of those living at

that particular site. I also heard that looking for sites outside of any constraint area presents a difficulty in an area which is so extensively covered by greater risk flood zone constraints. I do not seek to dispute the challenges faced by traveller families in finding available pitches in an area which has a limited supply but yet multiple areas of designation or planning constraint.

33. In terms of statutory duties and rights, the PSED³ requires that when carrying out its functions or activities, a public authority must foster good relations between persons who share a relevant protected characteristic and persons who do not. The protected characteristic of the Appellant and his family is not in dispute. The Human Rights Act⁴ establishes a right to respect for private and family life, his home and his correspondence. Article 3 of the United Nations Convention on the Rights of the Child requires a child's best interests to be a primary consideration, and no other consideration must be regarded as more important or given greater weight.
34. In this case there are five resident children under the age of 18 on site, two of whom are regularly attending a primary school in Hewish which is also attended by other children from the traveller community. The Appellant's youngest child will also attend primary school when he comes of age. One of the resident children is in receipt of care from hospitals in both Bristol and Taunton, hence the family's desire to stay within easy reach of them and to have the support of the extended family on site.
35. Mr Isaacs' children are not of primary school age, with one receiving schooling at home and another looking for employment. Mr Isaacs is also a care provider for his elderly mother, sharing such responsibilities with another family member, which involves Mrs Isaacs senior staying at the site for 2 – 3 weeks at a time, returning after a break of around the same period.
36. There would be advantages for the general well-being of all members of the family through having a settled base with access to amenities and schools. This security would make the children's lives happier and would inevitably be in their best interests. The other obvious benefit of the site being the settled base for the family is that it would enable the continued access to healthcare, which is of greater importance to the family for reasons already stated.
37. In stark contrast to the benefits outlined above, dismissal of the appeal would displace the family again, without any certainty of suitable alternative accommodation being readily available. The alternative a roadside existence itinerant lifestyle would be damaging to the wellbeing, health and education of children and other members of the family.

Other Matters

38. Representations were made on behalf of Bristol Water in relation to the water main which runs diagonally beneath the site and part of the area on which caravans would be sited. Bristol Water require unrestricted access to this feature and its easement, which is around 10 metres in width taken from the centre of the main. The provision of hardsurfacing and landscaping is not incompatible with the maintenance of access to the water main, though the stationing of caravans and construction of buildings above it or within the approximate 10 metre easement would be more problematic and could pose a

³ Public Sector Equality Duty under the Equality Act, 2010

⁴ Article 8 of the European Convention on Human Rights as enshrined in the Human Rights Act (1998)

risk to site occupants if the water main failed. On this basis, it was agreed by the parties that modest changes would be needed to the layout of the pitches to maintain a clear easement. Such could be required by way of a planning condition.

39. I have taken into consideration the numerous representations made by local residents in objection to the scheme, mainly highlighting concerns addressed as part of the main issues above, but also the manner in which the site was occupied without planning permission. I have not attributed weight to any allegation of impacts on property sales or values in the area, as these are not a material planning consideration.

Planning Balance

40. By reason of its harm to the character and appearance of the area and failure to conserve the AONB, the appeal scheme conflicts with the development plan when taken as a whole. Despite that the harm would be relatively modest and localised, it would still fail to adhere to the objective of the Framework to afford great weight to the preservation of the scenic and landscape beauty of AONBs.
41. PPTS paragraph 24 sets out that the existing level of local provision and need for sites, and availability (or lack) of alternative accommodation for the applicants are relevant matters when considering traveller proposals. I have had regard to the PPTS, the high level of unmet need and the lack of currently available alternative accommodation on to which the family could move. I also acknowledge the benefits to the Appellant and his family in allowing the proposal, particularly as it would be in the best interests of the children.
42. However, on balance, the other considerations do not outweigh the identified harm or indicate that permission should be granted for the scheme on a permanent basis. I have had regard to the Appellant's rights under Article 8 of the Human Rights Act, but the dismissal of the appeal is considered necessary and proportionate in order to protect the public interest.

Temporary Permission

43. Dismissing the appeal would have an adverse effect on the family, including the children, by making them homeless and making settled education and ongoing healthcare and family shared care arrangements difficult.
44. The Council have indicated that its policy approach to address the unmet needs of travellers is in the process of being formulated. The family, should they wish to settle more permanently in the area, may also seek to be counted as part of the need to which the emerging policies seek to respond. On the basis of the evidence, a three year temporary permission is likely to be sufficient to allow the policy formulation process to run its course, either resulting in the identification of alternative preferable sites or allowing the family time to secure such for themselves. The harm to the character and appearance of the area and AONB would also be reversed after the temporary duration which would reduce the identified harm.
45. The temporary duration of a permission would potentially mean future disruption to the family, but the circumstances and the consequent effects may differ at such a point in time. Nonetheless, in my view, the protection of the public interest cannot be achieved by means which are less interfering of the Appellant's rights under Article 8 of the Human Rights Act. They are

proportionate and necessary in the circumstances and would not result in a violation of said rights.

46. Therefore, whilst I have found the site unsuitable for the residential use on a permanent basis, I conclude that the other considerations outweigh the identified harm and indicate that a temporary permission should be granted.

Conditions

47. I have considered both lists of suggested conditions agreed between the parties. Where necessary, I have edited conditions in the interests of clarity and concision, but also in recognition of the retrospective nature of the proposal.
48. In the interests of certainty, a condition is necessary specifying the relevant approved plans in the interests of certainty.
49. As the circumstances of the family have formed a consideration of materiality to the appeal, the occupancy of the site should be restricted to all the specifically named adults and any of their dependent children. Furthermore, it should be for a temporary period of up to 3 years, with a requirement to re-instate the site afterwards. Again, this condition is to be worded as such to secure the necessary compliance.
50. As the layout of the site is to be adapted to suit the water main easement and to ensure that dark corridors are maintained around hedgerows, a condition is necessary to secure the submission and approval of a final site layout plan, along with details of levels, positions of buildings, extent of hardstanding and any landscaping measures. These details are required for reasons of certainty, to protect the site's biodiversity interests and to minimise harm to the character and appearance of the area. This condition has been devised to secure the necessary compliance in recognition of the fact that the use of land and some operational development has already been undertaken.
51. As the lighting lux levels around the site are linked with the use of the site by bats, it is necessary that any lighting plan is devised for the scheme with reference to the final site layout plan. For similar reasons, a condition is required seeking the implementation of those ecological mitigation and enhancement measures as set out in the submitted EA. The condition provides for approval of details of said measures relative to any changes to the site layout, which are likely in accordance with condition 4 and specifies the other relevant legislation with which the works undertaken must comply.
52. Having regard to the character and appearance of the locality, a condition is required to prevent any commercial activity from being undertaken on the site and the development should be restricted to two pitches with no more than four caravans, of which no more than two shall be statics. However, details of the individual scale or colour or ridge height of the caravans are not necessary.
53. In the interests of highway safety, it is necessary to condition that no gates shall be installed in close proximity of the highway and that the existing gate shall be removed. It is also necessary to secure the consolidation of the surface from the immediate edge of the carriageway back into the site and to ensure works beneath the bridge do not interfere with the free flow of water within the culvert. Similarly, it is necessary to require the provision and maintenance of the visibility splays either side of the access for the duration of the permission.

54. A condition is necessary to require the implementation of biodiversity mitigation and enhancement measures which are considered proportionate despite the temporary duration of the permission.
55. A scheme of landscaping works was submitted, largely proposing the infilling of the hedgerow gap in the north-western corner and enclosing the hardstanding area around the pitches with a mixed species hedgerow. These works would not be extensive but would be of benefit to the character and appearance of the area, particularly if implemented in a timely manner and using semi-mature species. A condition is therefore necessary to secure such in relation to the proposed final layout of the scheme and would be proportionate to the temporary duration of the permission.
56. I heard at the hearing that the foul water package treatment plant had been installed on the site but that it had not been connected. Details of this plant and the arrangements for outflow and a drainage field are also addressed under separate environmental legislation and the Council's has not suggested a condition seeking duplication of approval of details in relation to such.

Conclusion

57. For the foregoing reasons and taking all other matters into account, the appeal is allowed.

Hollie Nicholls

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Bobby Birch	Appellant
Mr Robert Isaacs	Appellant's brother-in-law/site occupant
Mr John Rooney	Stokes Morgan Planning
Mr Kevin Morley	Stokes Morgan Planning

FOR THE LOCAL PLANNING AUTHORITY:

Mr Neil Underhay	Planning Case Officer, North Somerset Council
Mr Chris Joannou	Senior Planning Enforcement Officer, North Somerset Council
Ms Claire Courtois	Planning Policy Officer, North Somerset Council
Ms Kate Jeffreys	Ecologist on behalf of North Somerset Council
Mr Peter Hitchings	Highways Development Control, North Somerset Council
Mr Kevin Carlton	S106 Project Officer/Landscape, North Somerset Council

INTERESTED PARTIES:

Mr Matthew Draper	Bristol Water
Mrs Alison Langmead	Bristol Water
Mr David Prosser	Bristol Water
Mr Jeremy Colmley	Local resident
Ms Emma Stocks	Local resident
Mr Andrew Matheson	Local resident

SUBMITTED DOCUMENTS:

Document 1	Plan showing local public right of way network
Documents 2, 3, 4, 5	Bundle of documents detailing health issues concerning the family/one of the resident children
Document 6 (by email)	North Somerset Council notes from site meeting with the Appellant

SCHEDULE OF PLANNING CONDITIONS:

- 1) The development hereby permitted shall be retained in accordance with the following approved plans:
 - Site Location Plan, Ref 4110.PL.01 Rev B, dated Nov 2022
 - Proposed Day Room, Ref 4110-04, dated Nov 2022
- 2) The occupation of the site hereby permitted shall be limited to:
 - Mr Bobby Birch, Mrs Christina-Maria Birch, and their resident dependents;
 - Mr Robert Isaacs, Mrs Purdy Issacs and their resident dependents.
- 3) The use hereby permitted shall be for a limited period ceasing on or before three years beginning with the date of this decision. At the end of this period, the use hereby permitted shall cease and within 6 months of this all caravans (static and touring), the day rooms, structures, materials and equipment brought on or erected on the land, or works undertaken on the land in connection with the use, shall be removed, and the land restored to its former condition in accordance with a scheme that shall have been previously submitted to and approved in writing by the Local Planning Authority.
- 4) Unless within three months of the date of this decision, details of the following are submitted in writing to the Local Planning Authority for approval, and unless the details are implemented within six months of the Local Planning Authority's approval, the use of the site shall cease and all equipment, structures and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented:
 - Details of the proposed finished ground levels on the site including the finished levels of any areas of hardstanding or hardcore and buildings in relation thereto;
 - A revised site layout plan showing the location of the proposed touring and static caravans and the day rooms as well as any areas of hardstanding, hardcore and new planting in relation to the water main that crosses the site, together its easement area. This plan shall also show any temporary areas of hardcore to be removed;
 - A soft landscaping scheme detailing all trees, hedgerows, and other planting to be retained and a planting specification to include numbers, density, size, species and positions of all new trees and shrubs to be planted, and a programme of implementation. All new planting proposal shall be shown in relation to any services (existing or proposed) at the site and it shall include the location and type of tree and hedge protection measures to be erected, with the approved details being installed before the approved site works begin, and which shall be retained for the duration of the site works.

If no such details in accordance with this condition are approved within six months of the date of this decision, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of

such use shall be removed until such time as such details approved by the Local Planning Authority are implemented. Upon implementation of the approved details specified in this condition, the measures 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.

- 5) Unless within three months of the date of this decision, details of the following are submitted in writing to the Local Planning Authority for approval, and unless the approved details are implemented within six months of the Local Planning Authority's approval, the use of the site shall cease and all equipment, structures and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented:
- A lighting scheme which demonstrates how artificial lighting required to serve the development, will be designed to not exceed 0.5 lux when measured within 5 metres of any of the vegetated site boundaries. This shall include:
 - existing lux levels affecting the site.
 - details of the type and location of the proposed lighting including external lighting and light spill from inside touring and static caravans and the day rooms.
 - the proposed lux levels; and
 - lighting contour plans.

If no such details in accordance with this condition are approved within six months of the date of this decision, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as such details approved by the Local Planning Authority are implemented. Upon implementation of the approved details specified in this condition, the measures shall thereafter be maintained and no alternative or additional lighting that would exceed the approved external lighting levels shall be installed or operated.

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) Unless within six months of the Local Planning Authority's approval, the following measures and actions are implemented, the use of the site shall cease and all equipment, structures and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented:
- All measures set out in Section 4 of the Ecological Appraisal dated 17 May 2023 (prepared by Quantock Ecology Environmental Consulting) and a report prepared by an Ecological Clerk of Works shall be submitted to the Local Planning Authority for approval which confirms that these works have been completed. The report shall also detail

the results of site supervision and any necessary remedial works undertaken or required.

If any amendments to the methodology and/or site layout are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

If no such details in accordance with this condition are approved within six months of the date of this decision, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as such details approved by the Local Planning Authority are implemented.

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) Unless within three months of the date of this decision, details of the following are submitted in writing to the Local Planning Authority for approval, and unless the approved details are implemented within six months of the Local Planning Authority's approval, the use of the site shall cease and all equipment, structures and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented:
- Surfacing of the initial 5 metres of the widened vehicle access from the back edge of the surfaced footpath alongside New Road into the site in either tarmac or concrete or another permanent bound surfacing material;
 - Provision of visibility splays of 2.4 metres x 120 metres in each direction of the centre line of the access point;
 - Provision of a 450mm diameter pipe as shown in drawing number 2338 04 (Proposed Specification Plan) to allow surface water to pass beneath the bridge.

If no such details in accordance with this condition are approved within six months of the date of this decision, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as such details approved by the Local Planning Authority are implemented. Upon implementation of the approved details specified in this condition, the measures shall thereafter be maintained and the visibility splays shall be permanently kept clear of any obstruction including structures, planting, or anything else, that exceed 600mm above the surface ground level of the visibility splay.

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.

- 8) The permission hereby approved shall be for no more than 2 traveller/gypsy pitches and associated day rooms, and there shall be no

more than 4 caravans on the pitch at any time, of which only two shall be static caravans.

- 9) No business activities shall take place on the land, other than the storage of vehicles and equipment associated with the Appellant's business.
- 10) No vehicle access gate on the entrance driveway shall be constructed within 12 metres of the carriageway at New Road, and the current gate on the site that is closer to New Road shall be removed within 3 months of the date of this permission.