
Appeal Decisions

Hearing Held on 21 November 2023

Site visit made on 21 November 2023

by Elizabeth Pleasant BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 7 December 2023

Appeal A Ref: APP/K3415/C/21/3279180

Land at Cherry Orchard Farm, Stafford Road, Longdon, Lichfield, Staffordshire WS15 4PS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Pasa Sutcliffe against an enforcement notice issued by Lichfield District Council.
- The enforcement notice was issued on 17 June 2021.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of land from agriculture to a use as a residential caravan site including the siting of caravans used for the purposes of providing residential accommodation, re-profiling of the land, construction of a timber shed, provision of a septic tank, hard-surfacing, fencing and works to the vehicle access.
- The requirements of the notice are:
 1. Cease the use of the land for the purposes of the siting of caravans for residential purposes.
 2. Remove from the land all caravans.
 3. Remove from the land all sheds, fencing, hard surfacing (both gravel and tarmacadam) including sub-base material, septic tank and any other items associated with the residential occupation of the land.
 4. Return the land to its former level with soil and re-seed with grass.
- The period for compliance with the requirements is twelve (12) months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been made on ground (a) an application for planning permission is deemed to have been made under section 177(5) of the Act as amended.

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

Appeal B Ref: APP/K3415/W/21/3274629

Land South East of Church Cottage, Stafford Road, Longdon, Lichfield, Staffordshire WS15 4PS

- 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 Pasa Sutcliffe against the decision of Lichfield District Council.
- The application Ref 20/00666/FUL, dated 24 May 2020, was refused by a notice dated 10 November 2020.
- The development proposed is change of use of land to use as residential caravan site for one gypsy family with two caravans, together with erection of ancillary amenity building and laying of hardstanding (retrospective).

Summary of Decision: The appeal is allowed and planning permission is granted in the terms set out in the Formal Decision.

Appeal A on ground (a), deemed planning application and Appeal B

Main Issue

1. There is no dispute between the parties that the site is in the Green Belt and, in accordance with Policy E of the PPTS, the development the subject of this appeal is a form which constitutes inappropriate development in the Green Belt. Having regard to the evidence before me in respect of the location of the site and the type of development, I see no reason to disagree and conclude that the appeal relates to inappropriate development in the Green Belt.
2. The main issue is whether the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the caravan site, is clearly outweighed by other considerations to provide the very special circumstances necessary to justify the development.
3. The potential harms of the development relate to:
 - the effect on the openness and purpose of including land in the Green Belt;
 - the effect on the character and appearance of the area;
 - whether the site is a suitable location for the development in principle having regard to its accessibility to services and local and national planning policy;
 - the effect on the setting of St James Church; and
 - the effect on the integrity of the Cannock Chase Special Area of Conservation (SAC).
4. The carrying out of intentional unauthorised development is an additional matter.
5. Other considerations, potentially weighing in favour of the development, include the existing level of local provision and need for sites, the availability (or lack) of alternative accommodation for the family who occupy the site and their other personal circumstances, including the best interests of the child.
6. Integral to my decision-making will be exercising duties under the Human Rights Act 1998. Article 8, a Convention Right¹, affords a person the right to respect for their private and family life, their home and their correspondence. It is a qualified right that requires a balance between rights of the individual and the needs of the wider community. In applying Article 8 there is a positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies as a minority group means that some special considerations should be given to their needs and different lifestyle in the regulatory planning framework and in reaching decisions on particular cases. Under the Equality Act 2010 I will have regard to the public sector equality duty (PSED).

Reasons

Green Belt openness and purposes

7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. It is also established case law that the

¹ Article 8 of the European Convention on Human Rights, enshrined into UK law by the Human Rights Act 1998.

openness of the Green Belt has a spatial as well as a visual aspect. This means that absence of visual intrusion does not in itself mean that there is no impact on openness of the Green Belt as a result. But equally this does not mean that the openness of the Green Belt has no visual dimension.

8. Policy NR2 of the Lichfield District Local Plan Strategy 2015, (LPS) contains a general presumption against inappropriate development in the Green Belt and requires all development to retain its character and openness. It advises that new buildings in the Green Belt will be assessed in accordance with government guidance contained in the National Planning Policy Framework (the Framework). Whilst the Framework does not require new development to respect the character of the Green Belt, I am satisfied that Policy NR2 is generally in accordance with the Framework in terms of preserving openness and Green Belt purposes.
9. Prior to the unauthorised development taking place the appeal site comprised open grassland which was free from any development. It is roughly triangular, enclosed by hedgerows and situated behind the treed embankment which separates the site from Stafford Road (A51). It is that condition which is the baseline against which the impacts on the openness and purposes of the Green Belt should be assessed.
10. The site has been laid with hardstanding, finished with loose stone/gravel, and enclosed with close boarded fencing constructed within the site and adjacent to the boundary hedgerows. It contains two touring caravans and a small timber shed for use as an amenity building. The application the subject of this appeal seeks permission for this development, albeit it proposes that one of the touring caravans would be replaced with a static caravan. In addition, the application details proposed post and rail style fencing, and the appellant confirmed at the hearing that it was not essential for the close boarded fencing to be retained.
11. The development is not readily visible from Stafford Road, with views of the site restricted to those from its access. However, the timber shed and caravans are visible from the Public Footpath (Longdon 30) which passes adjacent to the northern corner of the site. Those views are limited and confined to relatively close range views gained when leaving the gate from the church yard and traversing a very small section of that footpath towards the site. Taking into consideration the surrounding topography and existing trees/hedgerows around the site, I do not consider the development to be visually conspicuous.
12. However, the hardstanding, caravans and amenity building introduce a footprint and a form of bulk development onto the site where previously there was none. Considering the size of the site, the small size of the amenity building and the number of caravans proposed, a good proportion of the site still remains open. There is only a small loss of Green Belt openness in spatial terms and a degree of encroachment into the countryside. Nevertheless, that is a matter which carries substantial weight against the development.

Character and appearance

13. The appeal site comprises a small rectangular field, accessed from Stafford Road and located on the edge of the built-up area of the settlement of Longdon. A public footpath runs outside, and adjacent to the northern corner

of the appeal site where it passes through fields on leaving St James' graveyard and before continuing on beyond the appeal site to the north.

14. The appeal site adjoins other fields to the north and east with hedgerow boundaries. Whilst it lies very close to built development in Longdon and adjacent to a busy trunk road, overall, I find that the character and appearance of the wider area is predominantly that of a rural countryside landscape.
15. The nature of the appeal proposal as a gypsy and traveller site does not of itself confer an adverse effect on the character and appearance of the area. Indeed, PPTS² acknowledges that traveller sites can be appropriately located in the countryside. Furthermore, while Policy H3 of the LPS requires sites to be within or adjacent to Lichfield, Burntwood or a Key Rural Settlement or close to the A5 or A38 corridors and to be able to be landscaped to maintain visual amenity within the landscape/townscape, the policy does not exclude site locations in the countryside.
16. The proposed single pitch, comprising a maximum of two caravans, would be at the smallest scale of traveller provision. The caravans would be positioned behind the mature hedgerow boundary, with limited visibility of them from the road. From the public footpath, the amenity building has the appearance of a small wooden stable and the caravans are viewed in the context of that building and with the backdrop of hedgerows/close to the field boundary. Furthermore, the replacement of the close boarded fencing with a post and rail fence, and some additional planting of native species or hedgerows along the north western boundary and site access road, would further help to assimilate the development into its surroundings and would be of traditional rural character. External lighting on the appeal site is likely to be minimal but illumination can also be controlled through the imposition of a planning condition.
17. To conclude, there has been a limited degree of harm to the character and appearance of the area from the development. However, taking into account local and national planning policies which acknowledge that traveller sites can be located in the countryside, the small scale of the proposed site, proximity to the settlement of Longdon and the potential for landscaping to soften the appearance of the development, I find that there would be no significant harm to the character and appearance of the area. As such, with regard to the character and appearance of the area and the natural environment there would be no material conflict with the design and landscape requirements of Policy BE1 of the LPS. Nor do I find conflict with Policies 1 and 4 of the Longdon Parish Neighbourhood Plan, Made October 2018 which seek to protect and enhance the natural landscape and require any new buildings outside the village settlement boundaries to be appropriately landscaped to sensitively integrate the development into the surrounding countryside, nor the provisions of the PPTS and the Framework.

Suitable location

18. Policy H3 of the LPS advises that in allocating and determining applications for planning permission for sites for gypsies, travellers and travelling showpeople, their location will be informed by a number of criteria, including the site being within or adjacent to Lichfield, Burntwood or a Key Rural Settlement, or close

² Planning Policy for Traveller Sites, August 2015, Policy C.

to the A5 or A38 corridors. The Council explained that the aim of that criteria is to direct development to locations which would have good access to services and facilities. The appeal site is not located within any of the areas identified in Policy H3 and thus there is conflict with the development plan in that regard.

19. Reference can be made to advice in PPTS. Paragraph 25 says new traveller site development should be very strictly limited in the open countryside, away from existing settlements or outside areas allocated in the development plan. Paragraph 13 seeks to promote access to health services and schools and the provision for settled bases to reduce the need for long-distance travel. It is therefore appropriate to consider both the spatial and functional relationship of the site with settlements.
20. I have also had regard to paragraph 105 of the Framework which says that significant development should be focused on locations which are and can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. I do not consider that the proposal in this case could be considered to be a significant development, and I am also mindful that paragraph 105 acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be considered in both plan-making and decision-making.
21. The site lies close to the settlement of Longdon. However, the services the settlement provides are restricted to a public house, community hall, primary school and church. There is no convenience store, and the nearest doctors and local store are in Armitage which is approximately 3km away. Furthermore, there is no regular bus service through Longdon. Lichfield and Rugeley are the closest settlements with an adequate range of services, and the only realistic means of accessing those services would be by a private car.
22. As a matter of judgement, I conclude that the appeal site is not closely linked, either spatially or functionally, to an existing settlement with an adequate range of services or facilities and is not in a location provided for by Policy H3. There is therefore conflict with Policy H3 and PPTS paragraph 25.
23. Adequate services and facilities can be accessed through relatively short car journeys, and I am mindful that sustainable transport solutions are inevitably more limited in rural areas. Nevertheless, there will be rural sites which, notwithstanding their spatial separation, have better access to services on foot or by other sustainable modes of transport.
24. I also acknowledge that the provision of a settled base could limit journeys for work, whilst also enabling access to health services for the appellant and his family in line with PPTS paragraphs 4 and 13. These are material considerations, notwithstanding the conflict with the development plan and PPTS paragraph 25 and I therefore attach limited weight to the harm arising from the lack of close links to services and facilities.

Setting of St James Church

25. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The glossary to the

Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced.

26. St James Church is a Grade II * listed building and the list description states that it dates in part from the 13th Century. From the evidence before me, including the list description and observations on my site visits, I consider that its special interest/significance is mainly derived from its age, historic fabric, architectural features and form.
27. The church occupies a prominent position on the hillside and sits within a substantial graveyard enclosed by a brick wall, and within which there are many trees, including evergreen species. As a result, the primary context in which this building and its significance is experienced from is within the graveyard. Historically the church would have had an open countryside setting. That setting has been substantially altered and eroded by the development of the adjoining housing estate to the west and the A51 Stafford Road. However, the fields to the north, south and the east of the churchyard retain an open and spacious character.
28. The listed building and its significance can be experienced from the graveyard, the adjacent highway, and from Public Footpath No 30 when travelling towards the church across the fields from the south and east. In particular, the views from the public footpath when travelling towards the church provide an indication of its rural setting. However, due to the topography, there is no intervisibility between the listed building and the appeal site when travelling along that footpath, and the appeal site is only visible when leaving the graveyard with the listed building behind you. Thus, the development and listed building are not seen in views together, and in my view the appeal site does not lie within the setting of St James Church.
29. I conclude that the development preserves the setting of St James Church. There is thus no conflict with the development plan, including Core Policy 14 and Policy BE1 of the LPS and Policy BE2 of the Lichfield District Local Plan Allocations, adopted 2019 (LPA) which seek to protect heritage assets and their settings. I also find no conflict with the heritage aims of the Framework.

Cannock Chase SAC

30. The SAC is the most extensive area of lowland heathland in the Midlands and is an important conservation site due to the habitats it provides and species which are present. By reason of the international designation, the SAC is afforded the highest protection through UK legislation and Government policy³.
31. The conservation objective for the SAC is to ensure the integrity of the site is maintained or restored as appropriate and to ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features.
32. Natural England has advised, in summary, that this development will have an in combination impact on the Cannock Chase SAC. However, the Council is part of The Cannock Chase Partnership and as set out in the Strategic Access Management and Monitoring Measures agreed with Natural England is committed to providing a framework of mitigation for impacts. The

³ The Conservation of Habitat and Species Regulations 2017, as amended ('the Habitats Regulations') set out the provisions and procedures which must be followed to assess the implications of plan and projects on European sites (Regulations 63 and 64).

recreational pressures should not be considered an impediment to a favourable determination of the planning appeals provided that the proposed development is coming forward in accordance with the Council's contributions system and secured with a planning obligation⁴.

Habitats Regulations Assessment

33. The appeal site is within the 15km zone of influence around Cannock Chase SAC which has been established through research and visitor surveys. Recreational pressures comprise the creation of new paths, path widening, erosion and nutrient enrichment from visitor use and vehicle emissions. In addition, evidence shows that a significantly high proportion of visitors come from within 8km, and the appeal site also lies within the 0-8km zone of influence.
34. The Habitats Regulations, as amended, requires that where any proposal is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, an Appropriate Assessment (AA) is necessary to establish whether there would be adverse effects on the integrity of the features of the European site and if there are, whether they could be modified through mitigation. Circular 06/2005 sets out that the decision on whether an AA is necessary should be made on a precautionary basis.
35. From the evidence before me, the proposed use of the small site alone probably would not affect the integrity of the European site, but it would contribute to a cumulative adverse impact together with other plans and projects. The Cannock Chase SAC Partnership has set out proposed Detailed Implementation Plans (DIG) relating to Strategic Access Management and Monitoring Measures for the SAC and promotes a regime of financial contributions towards DIG mitigation measures. I consider the provision of a financial contribution towards strategic mitigation measures enables it to be ascertained that the proposal would not adversely affect the integrity of the SAC protected under Habitats Regulations.
36. In accordance with the mitigation strategy, the appellant has submitted a planning obligation in the form of a unilateral undertaking ('UU'). This UU secures the aforementioned financial contributions. The provision of the UU is necessary to make the development acceptable in planning terms, they are directly related to the development and fairly and reasonably related in scale and kind to the development. The UU meets the relevant tests, and the planning obligation is a material consideration which satisfactorily mitigates harm in this case.
37. For these reasons, the proposal accords with Policy NR7 of the LPS, which seeks to protect the integrity of Cannock Chase SAC. The development also complies with the Habitat Regulations.

Other Material Considerations

Intentional Unauthorised Development

38. A Written Ministerial Statement (WMS) dating from August 2015 establishes that Intentional Unauthorised Development (IUD) is a material consideration to be weighed in the determination of planning applications and appeals. The

⁴ Consultation Response, Natural England, 20 November 2023.

WMS relates to all forms of development not just that relating to Gypsy and Traveller Sites. It places particular emphasis on IUD in the Green Belt. For reasons that the appeal site lies within the Green Belt the Council consider that the IUD in this case should be given significant weight.

39. It is not disputed by the appellant that the development is IUD. However, he contends that it would not be difficult to remove the hardstanding, caravans and timber shed. Part of the underlying reason for seeking to deter IUD is to avoid prejudicing the opportunity to mitigate the impact of the development through the use of planning conditions. In this case an application for planning permission has been made and an opportunity is provided to impose conditions to mitigate the development. I am also mindful that the 1990 Act as amended makes provision for retrospective planning permission, and planning enforcement is remedial rather than punitive. In the light of these provisions, I attach a small amount of weight to the intentional unauthorised nature of the development.

Need for/supply of gypsy and traveller sites.

40. There is a generally accepted national need for more traveller sites. The Framework expects that the housing needs for different groups in the community should be reflected in planning policies. The PPTS, which is itself a material consideration, makes it clear that a relevant matter in the consideration of planning applications for traveller sites is the existing level of local provision and need for sites. More specifically, local planning authorities should identify and update annually a supply of deliverable sites sufficient to provide 5 years' worth of sites against their local set targets.
41. It is common ground between the parties that there is currently a shortfall in the 5 year supply of suitable and deliverable gypsy and traveller sites in the district, and the Council confirmed that the supply, when last calculated in July 2023, stands at 0.7 years. There are no current allocations and no emerging local plan.
42. The Lichfield District Council, North Warwickshire Borough Council and Tamworth Borough Council, Gypsy and Traveller Accommodation Assessment (GTAA), November 2019 estimated a need for 6 additional permanent pitches within the district during the period 2019 and 2033, and of these only one additional pitch has been granted which was on an existing site. Notwithstanding the appellant's argument that the GTAA does not make provision for all Gypsy and Traveller need, it is clear to me that the LPA have not identified a five-year supply of land. Whilst I recognise that they have an adopted policy in the LPS, which lists a set of criteria to be used to inform site allocations and determine planning applications, it seems to me that there has been an historic failure of development plan policy to address gypsy and traveller accommodation needs within the District.
43. In addition to general need, the availability (or lack) of alternative accommodation for the current occupiers is a relevant consideration, as indicated by the PPTS. The Council was not able to suggest alternative, acceptable, affordable and available site(s) for the occupiers to move to if their appeal is not successful. There is no obligation on a local planning authority to provide a site. However, the probability is that finding a suitable alternative pitch would be very difficult, bearing in mind the site search undertaken by the

Council as part of the local plan process, the extent of the Green Belt in the District, and the wider shortfall in traveller site provision.

44. Consequently, in view of the requirements of the Notice the subject of Appeal A, the family would be likely to have to relocate to the roadside. This would make access to health services more difficult for the family. It is also not in the public interest to have families living on the road with no access to drainage or facilities to store waste, etc.
45. This lack of suitable alternative sites, unmet need for all Gypsy and Travellers and policy failure provide substantial weight in support of the development.

Personal Circumstances

46. The site comprises a single pitch which is occupied by Mr Pasa Sutcliffe, his wife and three children, including his eldest daughter who is now 21. The family have never had a permanent site and until occupying the appeal site in 2020 they had been staying on transit sites around this area, in Cheshire and on the roadside. During that time, they had been able to access health services in this area utilising Mrs Sutcliffe's parents' address. However, both her parents have now passed away.
47. Mr Sutcliffe told the Hearing that he has always worked in the Midlands Area and had purchased the site in 2007 from a friend. However, as he had previously had a difficult experience in trying to secure planning permission for a site he was occupying with others in North Warwickshire, he had neither the desire nor the money to go through that process again. Thus, his family had elected to live on transit sites and on the roadside until that became impossible with the onset of the COVID-19 pandemic. When COVID made it impossible to gain access to transit sites, they made the decision to occupy the appeal site and apply for a permanent pitch.
48. Mr Sutcliffe works in the landscape business carrying out works to trees and hedgerows in the Staffordshire Area, or further afield if that is where work is available. However, he estimated that generally he travels away for two months out of twelve, and during the summer his family will travel with him. His son who is 17 also now works with him. His youngest daughter is 13 and home schooled.
49. A letter of support has been received from the neighbouring farmer/landowners. Mrs Sutcliffe told the Hearing that her daughter liked to spend time at the farm, was welcomed there, and helped out when she was able to.
50. Mrs Sutcliffe described at the Hearing how both her and the family had contracted COVID in the early stages of the pandemic and were still suffering from its effects. She has contracted pneumonia five times in three years and they both take medication prescribed from the doctors in Lichfield with whom they are now registered. It is accepted that it is important for children to have a settled base and that a settled base is also essential for continuity of health care provision for the family.
51. Furthermore, it is established case law that the best interests of the children are a primary consideration. A settled base rather than a predominantly roadside existence is clearly in the best interests of the children who occupy the site. An ordered and settled site would afford them the best opportunities for

education, health provision and other services and opportunities for play and personal development. These matters weigh in the appellant's favour.

Planning Balance

52. The harm to the Green Belt by reason of inappropriate development and a small loss of openness and encroachment into the countryside has substantial weight. The harm by reason of the location of the site away from services and facilities, and outside of an area designated for gypsy and traveller sites in the development plan has a small degree of weight. The matter of intentional unauthorised development also has a small degree of weight. The effect on the wider landscape, the setting of St James Church and the effect on the SAC are neutral in the balance.
53. In support of the development, the outstanding level of need in the District for Gypsy and Travellers, the failure of the Council to allocate sufficient sites over a long period and lack of available alternative accommodation has substantial weight, and the personal circumstances and the need of the appellant for a pitch also have substantial weight.
54. Substantial weight should be afforded to Green Belt harm, and I have had regard to paragraph 16 of the PPTS which states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. However, in my judgement, the circumstances of this case are such that the harm to the Green Belt and other identified harm would be clearly outweighed, by the combination of other considerations which weigh in favour of the development and the best interests of the children, and because the level of harm is towards the bottom of the scale. These considerations provide the very special circumstances necessary to justify the development. I conclude that there would be no conflict with the Framework or Policy NR2 of the LPS or the development plan when considered as a whole.

Conditions

55. The Council provided draft planning conditions which were discussed at the Hearing. I have considered the conditions in the light of the advice within the Framework and PPG and I have also taken the views of the parties into account.
56. The personal circumstances of the occupiers are of particular importance in the balance in favour of a permission and so a personal condition is appropriate rather than a requirement that the caravan site shall only be occupied by gypsies and travellers.
57. The development is acceptable whilst it is being occupied by those specified in the permission. A requirement for the use to cease at the end of their occupation and restoration of the land is therefore also necessary.
58. The approved land use is a caravan site and so it is necessary to control the number and type of caravans and to specify one pitch to preclude subdivision. It is also necessary to specify the approved plans. Such restrictions provide certainty and safeguard the appearance and openness of the site and preclude increased intensity of use.

59. In the interests of the appearance of the site a condition is required to secure the design and appearance of the amenity building.
60. In the interests of the appearance of the site and to avoid pollution and prevent increased risk of flooding it is necessary to require a Site Development Scheme to include soft landscaping enhancements/maintenance, and to agree fencing and drainage details. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter. The condition therefore provides for the loss of the effective benefit of the grant of planning permission where the detailed matters in question are not submitted for approval during the time set by the condition, approved (either by the local planning authority ("LPA") or by the Secretary of State on appeal), and then implemented in accordance with an approved timetable. Should the requirements of the condition not be met in line with the strict timetable, then the planning permission falls away.
61. In the interests of the appearance of the site, it is also necessary to control external lighting and to prevent the stationing and storage of vehicles over 3.5 tonnes.

Conclusions

62. For the reasons given above, I conclude that Appeal A on ground (a) and Appeal B succeed, and I shall grant planning permission subject to conditions set out in the formal decisions below. Appeal A on ground (g) does not therefore fall to be considered.

Formal Decisions

Decision on Appeal A

63. 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 change of use of land from agriculture to a use as a residential caravan site including the siting of caravans used for the purposes of providing residential accommodation, re-profiling of the land, construction of a timber shed, provision of a septic tank, hard-surfacing, fencing and works to the vehicle access at Cherry Orchard Farm, Stafford Road, Longdon, Lichfield, Staffordshire WS15 4PS shown on the plan attached to the notice and subject to the conditions set out in the attached schedule.

Decision on Appeal B

64. The appeal is allowed and planning permission is granted for the change of use of land to use as residential caravan site for one gypsy family with two caravans, together with erection of ancillary amenity building and laying of hardstanding (retrospective) at Land South East of Church Cottage, Stafford Road, Longdon, Lichfield, Staffordshire WS15 4PS in accordance with the plans submitted with it, subject to the conditions set out in the attached schedule.

Elizabeth Pleasant

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Philip Brown BA (Hons) MRPTI	Philip Brown Associates Limited
Mr Pasa Sutcliffe	Appellant
Mrs Lydia Sutcliffe	Appellant's wife

FOR THE LOCAL PLANNING AUTHORITY:

Piers Riley Smith	Of Counsel
Sarah Atherton	Planning Officer
Mr Komurcugil	Senior Planning Enforcement Officer
Kerry Challoner	Principal Planning Officer
Simon Hill	Staffordshire County Highways Officer

Documents submitted at the Hearing

- 1) Letter of support from neighbouring landowner.

Schedule of Conditions (Appeals A and B)

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Scale 1:1250; Site Layout Plan, Scale 1:500, Post and Rail Fence, Scale 1:20.
 - 2) The use hereby permitted shall be carried on only by Mr Pasa Sutcliffe and Mrs Lydia Sutcliffe and their resident dependants. When the premises cease to be occupied by those named above, all caravans, buildings, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.
 - 3) The use hereby permitted shall be limited to 1 pitch and no more than 2 caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended, shall be stationed at any time and no more than 1 caravan shall be a static.
 - 4) The existing amenity building shall be retained as constructed unless details are otherwise agreed in writing with the local planning authority.
 - 5) No external lighting shall be put in place or operated on the site at any time, other than has been previously submitted to and approved in writing by the Local Planning Authority as part of the scheme approved under Condition 7 of this permission.
 - 6) No vehicles over 3.5 tonnes shall be stationed, parked or stored on this site.
 - 7) The use hereby permitted shall cease and all caravans, vehicles, structures, equipment, hardstanding and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - i) Within three months of the date of this Decision a site development scheme (SDS) of foul and surface water drainage of the site; external lighting; boundary fencing; details of soft landscaping for the site, including retention of existing native hedgerows and trees on the site's boundaries, and details of species, plant sizes and proposed number and densities; and a landscape maintenance schedule, shall have been submitted for the written approval of the Local Planning Authority and shall include a timetable for its implementation.
 - ii) Within 11 months of the date of this decision the SDS shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the SDS 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 SDS shall have been approved by the Secretary of State.
 - iv) The approved SDS shall have been carried out and completed in accordance with the approved timetable and shall thereafter be retained for the duration of the use of the site and development.
- In the event of a legal challenge to this decision, or 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.

End of Schedule