



Appeal Decisions

Inquiry held on 1-3 November 2023

Site visit made on 31 October 2023

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State

Decision date: 08 December 2023

Appeal A: APP/Q3305/C/22/3305403

Moors Barn, Marsh Road, Standerwick, Frome, Somerset, BA11 2PZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Coryndon Luxmoore (Hemp Construction Ltd) against an enforcement notice issued by Mendip District Council.
- The notice, numbered ENF/2020/0073, was issued on 22 July 2022.
- The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised change of use of the land from a mixed use of agricultural, equestrian and the stationing of residential caravans to a mixed use of agricultural, equestrian, the stationing of additional residential caravans and the carrying out of commercial and industrial uses.
- The requirements of the notice are: 1. Cease the use of the land for commercial and industrial uses; 2. Cease the residential occupation of any caravan unless otherwise in accordance with the terms of planning permissions 116987/003 and 2014/0250/VRC; 3. Remove from the land all caravans unless otherwise stationed in accordance with the terms of planning permissions 116987/003 and 2014/0250/VRC; and 4. Restore the land to its previous condition before the breach took place.
- The periods for compliance with the requirements are: Requirement 1 and 2 - 6 months; Requirement 3 - 9 months; and Requirement 4 - 12 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f), and (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.

Appeal B: APP/Q3305/C/22/3305404

Moors Barn, Marsh Road, Standerwick, Frome, Somerset, BA11 2PZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Ms Dilys Mary Van Tromp against an enforcement notice issued by Mendip District Council.
- The notice, numbered ENF/2020/0073, was issued on 22 July 2022.
- The breach of planning control as alleged in the notice is: Without planning permission, the erection of a building in the approximate position shown coloured grey on the attached plan.
- The requirements of the notice are: 1. Demolish the unauthorised building and restore the land to its previous condition before the breach took place; and 2. Remove all materials, debris, waste and equipment resulting from the demolition of the building.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (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.

Decisions

Appeal A

1. It is directed that the enforcement notice be corrected by the deletion of the description of the breach of planning control in Section 3 and its replacement by the following:

"Without planning permission, the material change of use of the Land to a mixed use of agriculture, equestrian, the stationing of caravans for residential purposes, including additional caravans to those approved under planning permissions 116987/003, 2014/0250/VRC and 2014/1433/FUL, and use as a builder's yard with associated ancillary activities."
2. And, in Section 5, by the deletion of requirement 1 and its replacement by the following:

"1. Cease the use of the Land for a mixed use a mixed use of agriculture, equestrian, the stationing of caravans for residential purposes and use as a builder's yard and associated ancillary activities."
3. by the insertion, at the end of Section 5 requirement 2 and requirement 3, of the following:

"and 2014/1433/FUL."
4. and by the insertion, in Section 5 requirement 3 after the word "all" of the word "residential"
5. Subject to these amendments, 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 use of the Land at Moors Barn, Marsh Road, Standerwick, Frome, Somerset, BA11 2PZ shown on the plan attached to the notice for the material change of use of the Land to a mixed use of agriculture, equestrian, the stationing of caravans for residential purposes, including additional caravans to those approved under planning permissions 116987/003, 2014/0250/VRC and 2014/1433/FUL, and use as a builder's yard with associated ancillary activities, subject to the conditions in the Schedule of Conditions attached to this decision.

Appeal B

6. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the erection of a building at Land at Moors Barn, Marsh Road, Standerwick, Frome, Somerset, BA11 2PZ, subject to the conditions in the Schedule of Conditions attached to this decision.

Appeal A

The appeal site

7. The appeal site is a roughly rectangular parcel of land enclosed by an embanked railway track to the north, the A36 to the west, Marsh Road (B3099) to the south and Tennis Corner Drove to the west. Publicly available aerial imagery shows the progress of development of the land over the years. Up to

about 2003-4 the site was an open field with a single small barn. Planning permissions were granted in November 2003 and August 2004 for the erection of 6 stables and tack room and for the erection of a barn, all at the south eastern corner of the site. Permission was then granted on appeal in 2007 for the change of use of the land to use as a residential gypsy site for one family. Access to the site was from an entrance on the corner of Marsh Road and Tennis Corner Drove. By mid-2006 development comprising additional hardstanding and a building saw the yard extended northwards to the railway embankment with an additional entrance created to this extended yard from Tennis Corner Drove. By 2009 there was further building on the northern part extending to the west and a manege had been constructed alongside the railway embankment with further hardstanding to the west of the manege. In 2013 the site was much the same. Planning permission for 2 further gypsy/traveller pitches was granted in 2014, the pitches being located on the hardstanding near the Marsh Road and Tennis Corner Drove access. In 2016 the manege had been relocated further west and enlarged, with new hardstanding west of the manege. By 2018 six open storage bays had been erected on the hardstanding beyond the manege, being the westernmost extent of the yard at that stage. The plans accompanying an application made in January 2020 for planning permission for 'change of use of land from equestrian use to a general industrial use and erection of office/storage barn' shows the extent of the yard approximating that evident in the 2018 aerial photographs submitted. Since then some waste piles can be seen further west, but there does not appear to have been any further operational development in the yard area.

The appeal A notice and the grounds of appeal

8. In the course of the appeal the appellant sought to introduce an appeal on ground (b), which is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, that those matters have not occurred. What was argued was that the description of the development was wrong, in part because the relevant planning unit was not correctly identified, and that it was not sufficiently clear what was alleged.
9. The latter concerned the use of the term 'commercial and industrial uses'. It appears that the term originated from the application¹ for retrospective planning permission in January 2020 to regularise what had been occurring on the north-eastern part of the site. The use was described as a builder's yard, but it was erroneously considered to fall within Class B2 of the Use Classes Order²(UCO), that is use for the carrying on of an industrial process other than one falling within class B1, hence the use of the term 'industrial'. However, it is clear from the evidence of past use and the layout and character of this part of the appeal site that it is and has been operating as a builder's yard, a *sui generis* use for UCO purposes, and that description was agreed by the parties at the Inquiry to properly encompass the activities comprised in the use. This use has included the fabrication of hemp blocks, but these are solely for use in the appellant's construction business, while there has also been recycling of soil and construction waste arising from the construction activities. Both of these activities are intimately associated with the construction business and are not of a scale and intensity that would make them a primary use, rather they are

¹ Council Ref. 2020/0132/FUL

² The Town and Country Planning (Use Classes) Order 1987 (as amended)

most appropriately considered to be activities ancillary to the primary use of the yard area as a builder's yard, which can include elements of fabrication and the return to the yard of excess or used materials for storage and potential re-use.

10. The description of the site by the Inspector determining an appeal³ against the refusal of the 2020 commercial/industrial use application accords with what I saw on my site visit, a hard surfaced yard with open concrete bays, small containers, skips and machinery with the open storage of building materials, including in the concrete bays, and a portacabin used as an office, all consistent with a description of the use of the land as a builder's yard. It was agreed at the Inquiry that the description of the development enforced against should be corrected to refer to use as a builder's yard rather than for commercial and industrial uses, and that this correction would not cause injustice to the main parties. On this basis no appeal on ground (b) was pursued at the Inquiry.
11. Ground (b) was also argued on the basis that the appeal site was actually comprised of 2 separate planning units, comprising roughly the northern and southern parts of the site, the former being in use as a builder's yard and for equestrian purposes, and the latter in use for the stationing of caravans for residential use and for equestrian purposes. If that was so then the description would have been incorrect, but this argument was not pursued at the Inquiry, correctly in my view. I am satisfied from my observations and the available evidence that the different activities comprised in the mixed use the subject of the notice as corrected are not confined within separate and physically distinct areas of land.
12. To get the notice in order, however, some further amendments to the requirements are also necessary. First it is the corrected use that must be required to cease by Requirement 1. Second, it was clarified by the Council that the reference to the stationing of additional caravans for residential purposes was only intended to refer to the additional residential caravans sited on the southern boundary with Marsh Road, whose removal it sought, whereas other caravans in use for storage or as mess facilities for the builder's yard would not need to be removed in order to remedy the breach of planning control, which was the purpose of the notice. I shall therefore amend the wording of Requirement 3 so that it is only caravans in use for residential purposes and that do not benefit from the planning permissions governing the site that need to be removed. Third, a reference to a 2014 planning permission for the re-positioning of an existing mobile home and the erection of a day room should be added to the requirements to clarify which residential caravans could remain on the site. These amendments can be made without injustice.

Ground (d)

13. An appeal on ground (d) is that it is too late to take enforcement action. For the ground (d) appeal to succeed the onus is on the appellant to demonstrate that the mixed use commenced 10 years or more before the notice was issued, and has been sustained for a 10 year period during which enforcement action could have been taken against it. The material date is 25 August 2012.

³ Appeal Ref. APP/Q3305/W/21/3283229

14. The appeal on this ground was focussed solely on the builder's yard use. The appellant's evidence on oath was that he helped in the construction and extension of the equestrian yard, which was about 2006. In about 2007 he began working as a sole trader, trading as Complete Driveways, operating from the appeal site. In 2015 he started trading as Complete Construction, having developed the business from driveway/paving to include the construction of house extensions and new buildings. There was a significant increase in turnover in 2016, which he attributed to having become VAT registered. Invoices for aggregate deliveries to the site from 2016 have been provided. He gave evidence that he has always taken stone and soils from jobs to return to site for re-use, though when he started out it was at a much lesser scale.
15. Two local business owners gave evidence of buying topsoil and/or aggregates from the appellant, Mr Tan from 2013 and Mr Holding from 2012, and a statement from another, Mr Griggs, who was unable to attend the Inquiry due to illness, but claimed to have been getting recycled stone and topsoil from the site since 2011. Although Mr Grigg's evidence cannot carry the weight of sworn evidence, it is consistent with other evidence from that period. This includes receipts for crusher hire from April and October 2012, and the presence of what appears to be some piles of materials at the western end of the yard that is consistent with a small soil and construction waste recycling operation. Beyond that however the aerial photography provides little evidence of the presence of what might be recognisable as a builders yard in 2012, and crusher hire before 2012 is linked to laying of hardstanding on the site itself.
16. The aerial photographs from 2009 and 2013 show much the same. The area of hardstanding west of the manege, which apparently is where the Complete Driveways business was operating, appears recently laid in 2009, and it had some vehicles parked on it in 2013, but there is little else to suggest the establishment of a builders yard. Consistent with the establishment of Complete Construction and the expansion of the business, significant change is evident in 2016, the manege having been relocated to the west, a much larger working area is established and a new building, now used for storage associated with the building business, is erected in the north-east corner beside the yard access with a large open area between that and the relocated manege. What appears to be containers and open storage of materials is also evident on the southern edges of the yard. By 2018 the open storage bays have been constructed and the yard is laid out much as it is now. In 2020 it can be seen that there are substantial quantities of materials stored on the site.
17. Looking at this evidence as a whole, I consider it most likely that there was initially, from about 2009 at least, use of a part of the yard as a base for the appellant's driveways business and some associated recycling of materials, some of which was sold, used in other jobs or used in the construction of the hardstanding in the yard itself. However, having regard to what can be seen in the aerial photographs, the documentary evidence and the appellant's account, I consider that what was occurring did not, on the balance of probabilities, amount to a primary use as a builders yard until somewhere between 2013 and 2016. It is not unusual in my experience for land in use for equestrian purposes and gypsy/traveller accommodation to have uses such as vehicle and equipment parking and the storage of some building materials, particularly when the occupants work in the construction industry and travel for those purposes. Such use, where considered undesirable in the planning context, is

often controlled by the imposition of conditions, as was the case here⁴, but mere use, or indeed a failure to comply with a planning condition, is not development. I consider that the builder's yard use became a primary use of the land as a component of a mixed use some time between 2013 and 2016, most likely soon after the initiation of Complete Construction and the significant growth in operations based at the site, including the use of buildings for storage and fabrication purposes that would not have been required for the driveways work that had operated from the site prior to that. With the addition of a builder's yard use as a primary use to the mixed equestrian and residential use there was a material change of use, development which requires planning permission. Since that material change of use occurred less than 10 years before notice was issued, the mixed use is not immune from enforcement and the appeal on this ground cannot succeed.

Ground (a) and the deemed planning application

18. This ground, and the deemed planning application, seeks planning permission for the matters comprising the breach of planning control. The components of the mixed use at issue are the builder's yard use and the quantum of residential caravan use. On the latter, the three mobile homes sited within the original equestrian yard benefit from planning permission. When the notice was issued a further 5 residential mobile home pitches had been established on land to the west that had previously been open paddock land. This was largely on an area granted planning permission in 2018 for 3 Gypsy/Traveller pitches and a dayroom. It was initially claimed that the 2018 permission had been implemented and remained extant. This is no longer pursued, but for clarity I consider that the differences between what was permitted and what was established on the relevant land, in terms of both use and operational development, are so significant that they could not properly be said to be undertaken pursuant to the grant of the planning permission in question, and it follows that the planning permission, dated 23rd January 2018, had not begun within the 3 year period required by condition 1 of that permission and has therefore lapsed.
19. However, there have been no significant policy or material circumstances changes since 2018, so that the Council's reasons for granting the permission essentially endure. The appellant seeks permission through the deemed planning application for 3 pitches, as permitted in 2018. The 2018 permission included a dayroom, but I shall consider that aspect of the development under Appeal B. The Council agreed at the Inquiry that it would not object to a 3-pitch site as proposed, for the reasons it approved the 2018 scheme. Since there remains a significant unmet need I see no good reason to come to a different view. The proposal fits within the terms of the deemed planning application, hence it is open to me to consider the appeal on that basis.
20. The Council, however, maintains its objection to the builder's yard use. The main issues are whether the site is a suitable location for the development having regard to relevant development plan policies and national policy, and to the effect on the character and appearance of the area.
21. The site is in the open countryside. Core Policy 1 of the Mendip District Local Plan 2006-2029 Part I: Strategy and Policies (adopted 2014) (the LP) is concerned with enabling a sustainable pattern of growth and seeks to strictly

⁴ eg Council Ref 2014/0250/VRC, planning permission granted 29 May 2014

control development in the countryside. Development may, however, exceptionally be permitted in line with the provisions set out in Core Policy 4: Sustaining Rural Communities. This includes support for proposals which enable the establishment, expansion and diversification of business in a manner and of a scale which is appropriate to the location and constraints upon it. LP Policy DP1 expects development to contribute positively to the maintenance and enhancement of local identity and distinctiveness, though it acknowledges that the wider benefits should feature in the balance. LP Policy DP7 aims for a high quality of design, including ensuring that development is of a scale, mass, form and layout appropriate to the local context. It encourages the use of locally sourced or recycled materials.

22. The Inspector considering the recent appeal⁵ against the refusal in July 2021 of planning permission for a change of use of the land from equestrian use to a general industrial use and erection of an office/storage barn found that the site had an uncompromising industrial appearance which resulted in significant harm to the rural character of the site. He found that the development was an intrusion into the countryside of a manner and scale that was not appropriate to the location. However, the evidence available at that time suggested that the development was relatively recent, but in fact much of what he would have seen, the various buildings, structures and hardstanding, are longstanding and are not required to be removed.
23. In view of this the baseline must be quite different from that alluded to in that appeal, where the development was considered to have resulted in the loss of open grassland. There is also considerable scope for landscaping alongside the railway embankment and along the field boundaries which were not a part of the application refused in 2021. A scheme of landscaping can be secured by condition and this would help integrate the development with its surroundings, such that the stark contrast with the adjoining paddock land noted by the Inspector could be substantially mitigated. Having regard to the baseline, securing appropriate landscaping would be a benefit of a grant of planning permission.
24. So far as the effect on the character and appearance of the area is concerned, and considering that the buildings and much of the hardstanding on the current yard area would remain in any case, I consider that any adverse impacts of permitting the builder's yard use on the character and appearance of the area would be outweighed by the benefits to the site itself and to the locality of instituting and maintaining a scheme of planting around the yard boundaries. This would greatly improve the outlook from the residential part of the site and soften any views from passing trains. The trainline aside, there would be little if any visibility of the yard from outside of the site.
25. It is also relevant that the existing traveller site forms part of the local character, and there is national policy support for the provision of traveller sites suitable for mixed residential and business uses in Policy F of Planning Policy for Traveller Sites (PPTS). Such mixed use sites have sustainability benefits, reducing the need for travel to and from places of work notwithstanding that the construction work itself takes place elsewhere, and help to facilitate the traditional and nomadic way of life of travellers, a wider benefit in the LP Policy DP1 balance. The builder's yard use is not, and would

⁵ Appeal Ref: APP/Q3305/W/21/3283229

not, be viewed in isolation in any case, given its close proximity to, and integration both physically and functionally with, the traveller site and equestrian uses.

26. Overall, having regard to the baseline and the existing character of the site regardless of the builder's yard use, to the ability to secure beneficial landscaping, and the PPTS support for such mixed use sites, which is a material consideration, I consider that the business use is of a manner and scale appropriate to its location, attracting support from LP Policy CP4 and according with Policy DP7. As such I am satisfied that it does not conflict with the strategic and development control policies of the LP.
27. I shall therefore grant planning permission on the deemed planning application as set out above, that is for the change of use of the land to a mixed use comprising of use as a builders yard, equestrian use and for the stationing of caravans for the purposes of human habitation, the latter component limited to the caravans that already benefit from planning permission and 3 further pitches, each limited to 2 caravans.
28. In view of the policy considerations justifying the caravan site use I shall restrict occupancy to Gypsies and Travellers. However, since the current definition of Travellers for PPTS purposes have been found by the Courts to be discriminatory I shall revert to the previous definition. I shall also limit the number and types of caravans stationed on the new pitches in the interests of local character and the living conditions of occupants. For the same reasons I shall preclude commercial activities on those pitches and preclude any burning of waste on the land as a whole.
29. In order to secure good design on the site and mitigate visual aspects of the builder's yard use in particular, but also to ensure a satisfactory environment for caravan occupiers, I shall require the provision of a Site Development Scheme (SDS) for approval by the Council. The SDS shall include details of the site layout, identifying clearly the areas within which component activities shall take place in the future, along with details of hard and soft landscaping, boundary treatments, site drainage, external lighting and environmental enhancement. Separately I shall require maintenance of any planting carried out under the SDS. In view of the business and policy considerations underlying my conclusion that the builder's yard component of the mixed use is acceptable, I shall restrict the benefit of the yard to occupiers of the residential caravans. In the interests of highway safety, I shall also require that all vehicular traffic to and from the additional traveller pitches use the existing access at the junction of Marsh Road and Tennis Corner Drove.

Other matters

30. Concerns have been raised about the occupation of caravans on the site by non-gypsies. However it has long been the case that the definition of travellers for PPTS purposes is based on a nomadic way of life rather than ethnicity. I should note also that there has been development on the site since the notice was issued, including structures erected or sited on land to the west of the caravan site extension that appear to have a residential purpose, but this is not caught by the notice, and hence does not form part of the deemed planning application. Similarly, a new gateway has been formed directly onto Marsh Road. It is claimed that this was an historic field access, but again this is not part of the matters comprising the breach of planning control enforced against.

I am aware also that a food retail business has operated from the site. However it is not part of the activities enforced against and it is not alleged that it was a primary use of the land when the notice was issued. It does not appear to be operating at present. I understand that issues with the electricity use of the site have now been resolved.

Conclusion

31. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed on ground (a) and planning permission will be granted. Since the enforcement notice will be quashed, the appeal on grounds (f) and (g) does not need to be considered.

Appeal B

Ground (a)

32. This appeal concerns the building erected as a dayroom to serve the traveller pitches granted permission in 2018. The building is substantially larger than that approved, both in terms of floorspace and overall bulk. An application to retain the dayroom as built was dismissed at appeal⁶ in 2020. In coming to a view that the building caused harm to the character and appearance of the area, the Inspector found that the building was larger than necessary for its purposes, and that the height of the roof caused visual harm. What is now proposed under this ground, which is that planning permission should be granted for the building, is a reduction of the roof height by 2 metres and for the modified dayroom to serve the combined dayroom needs of the 3 pitches rather than a single pitch as approved in 2018. Plans for the building as built but with the lower roof height have been submitted⁷, and the proposal has been assessed by the architectural practice of the appellant's agent as technically feasible. I am satisfied that the building as proposed to be modified falls within the terms of the breach of planning control described in the notice, being part of the matters enforced against, and I shall determine the appeal on this ground, and the deemed planning application, on that basis.
33. The Council now accepts that the floorspace provided is appropriate for its purpose as a dayroom serving 3 traveller pitches, and I see no reason to come to a different view given that the original dayroom was to serve a single pitch only. Large multi-pitch dayrooms are not uncommon and I have been referred to relevant examples that have been found acceptable. Regarding the visual harm due to the excessive roof height, the Council also accepts that the proposed height reduction would satisfactorily mitigate the visual harm. Again, I see no reason to disagree. The lower roof height would result in a less bulky building that would not be visually prominent or intrusive, including from public vantage points.
34. Accordingly the proposal would not conflict with LP Policies DP1 or DP7, or with Policy DP15 which expects, among other things, new traveller sites to avoid significant adverse effects on local character. As such I am satisfied that the proposal accords with the development plan read as a whole, and I shall therefore quash the notice and grant planning permission for the building as proposed. In view of the underlying policy position the permission will be subject to a condition restricting its use to use as a dayroom ancillary to the 3

⁶ Appeal Ref. APP/Q3305/W/20/3254517

⁷ Appendix 5 to the proof of evidence of Brian Woods

traveller pitches, and in the interests of local character I shall specify the relevant plans and also preclude the use of the building as a dayroom until the works comprised in the permission have been undertaken. Since the notice will be quashed, I do not need to consider the appeals on grounds (f) and (g).

Paul Dignan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alan Masters
of Counsel

He called
Coryndon Luxmoore
Robbie Tan
Michael Holdway
Brian Woods

FOR THE LOCAL PLANNING AUTHORITY:

Roy Pinney

He called
Simon Trafford

DOCUMENTS

- 1 Representations by Cllr Shannon Brooke on behalf of Berkley Parish Council
- 2 Complete Construction financial statements for years ending 2015 to 2019
- 3 Statement of Common Ground - signed
- 4 List of conditions – for discussion
- 4 Council's closing submissions
- 5 Appellant's closing submissions
- 6 Proposed amended enforcement notice (Appeal A)

SCHEDULE OF CONDITIONS: Appeal A: APP/Q3305/C/22/3305403

1. The residential caravans on 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. The mixed use hereby permitted shall cease and all residential caravans, structures, equipment and materials brought onto the land and buildings erected for the purposes of such use, and which do not benefit from planning permissions 116987/003, 2014/0250/VRC and 2014/1433/FUL, 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 decision a scheme, hereafter referred to as the Site Development Scheme (SDS), including details of

(a) site layout clearly identifying the extent of the builder's yard; the location of all pitches, including the siting of caravans on pitches; areas for vehicular access and turning and manoeuvring; areas of hardstanding; fencing and other means of enclosure; dayrooms, stables, and the location of services;

b) the means of foul and surface water drainage, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;

c) a scheme of landscaping which includes all hard and soft landscaping and details of existing boundary trees/hedges and measures for their enhancement, protection and retention;

d) details of all existing and proposed external lighting on the boundary of and within the site; and

e) a scheme for the ecological enhancement of the Land;

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 11 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.

3. Any trees or other plants planted in accordance with the approved Site Development Scheme which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
4. In addition to the residential caravans permitted by planning permissions 116987/003, 2014/0250/VRC and 2014/1433/FUL there shall be no more than 3 pitches on the site. No more than 2 caravans (of which no more than one shall be a static caravan) as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on each pitch hereby permitted at any time.
5. The builder's yard hereby approved, and as shown on the Site Development Scheme layout plan, shall be solely for the benefit of the occupiers of the residential caravans on the Land, and shall not be used by any other persons or for any other business.
6. No commercial activities shall take place on the residential caravan pitches hereby approved, including the storage of materials.
7. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the residential caravan pitches hereby approved.
8. No burning of materials, including straw and manure, shall take place on the site at any time.
9. All vehicles entering or leaving the site in association with the residential caravan pitches hereby approved shall use the existing access at the junction of Marsh Road and Tennis Corner Drove and no other access.

SCHEDULE OF CONDITIONS: Appeal B: APP/Q3305/C/22/3305404

1. The development hereby permitted shall be carried out in accordance with the following plans submitted during the appeal and attached as Appendix 5 to the proof of evidence of Brian Woods: J004239-DD-07 (As Existing Plans), J004239-DD-08 (As Existing Elevations), J004239-DD-09 (As Proposed Plans), J004239-DD-10 (As Proposed Elevations).
2. The building hereby approved shall be used only as a dayroom serving the 3 residential caravan pitches approved by Appeal Ref. APP/Q3305/C/22/3305403, and for no other purpose.
3. The building hereby approved shall not be brought into use as a dayroom until the works detailed in plans J004239-DD-09 (As Proposed Plans), J004239-DD-10 (As Proposed Elevations) have been completed.

End of Schedule