



Appeal Decision

Hearing Held on 9 January 2024

Site visit made on 8 January 2024

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th JANUARY 2024

Appeal A: APP/B1550/C/21/3286151

Appeal B: APP/B1550/C/21/3286152

Land at Fieldview, Trenders Avenue, Rayleigh, Essex

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- Appeal A is made by Ms Sarah Bennett and Appeal B is made by Mr Dean Holland against an enforcement notice issued by Rochford District Council.
- The enforcement notice was issued on 8 October 2021.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of land (shown on the plan 1 attached) to a residential use through the stationing of a mobile home used for human habitation; the erection of stables building and other buildings in use incidental to the residential use and the laying of hard standing to facilitate the use of the site as shown on the attached plan 2.
- The requirements of the notice are 1) cease residential use of the site including use of the mobile home for human habitation and use of open space as domestic garden; 2) remove from the site, the mobile home shown in the approximate position marked MH on the attached plan 2; 3) remove any pipes, cables or sewage systems used for the use of the land for siting a mobile home for the purposes of human habitation; 4) remove the skirt and decking area around the mobile home; 5) remove from the site, all domestic paraphernalia used in connection with the use of the land for siting a mobile home for the purposes of human habitation including but not limited to gas cylinders, shed adjacent the mobile home sited on timber pallets, picnic bench, timber piled on the site, window and door frames, tyres and children's play equipment; 6) remove all the ancillary buildings from the site shown in the approximate positions marked A, B, C, D and E on the attached plan 2; 7) remove from the site the stables block shown in the approximate position marked S on the attached plan 2; 8) remove the hardstanding shown in the approximate position stippled and marked HS on the attached plan 2; and 9) remove all resultant debris arising from carrying out all the steps above.
- The period for compliance with the requirements is 9 months.
Appeal A is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended and Appeal B is proceeding on ground (g) of Section 172(2) of the Town and Country Planning Act 1990 as amended. In respect of Appeal A, since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decisions

Appeal A: APP/B1550/C/21/3286151

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under

section 177(5) of the Act as amended for the development already carried out, namely the use of the land at Fieldview, Trenders Avenue, Rayleigh, Essex, as shown on the plan attached to the notice, for the material change of use of land (shown on the plan 1 attached) to a residential use through the stationing of a mobile home used for human habitation; the erection of stables building and other buildings in use incidental to the residential use and the laying of hard standing to facilitate the use of the site as shown on the attached plan 2, subject to the conditions in the attached schedule.

Appeal B: APP/B1550/C/21/3286152

2. Given my conclusion in respect of the ground (a) appeal (Appeal A), it has not been necessary for me to consider the appeal made under ground (g).

Procedural Matters

3. The National Planning Policy Framework was amended on 19 December 2023 (the Framework). In respect of the ground (a) appeal main issues below, no material changes have been made to the Framework. Where I refer to the Framework in this decision, it is that published on 19 December 2023.
4. The Government's Planning Policy for Traveller Sites 2015 was updated in December 2023 (PPTS). The changes relate to the definitions of Gypsies and Travellers and Travelling Showpeople in Annex 1 in so far that it now includes those who on specified grounds have ceased to travel temporarily or permanently. The main parties were afforded the opportunity to comment on the implications of the updated PPTS at the hearing.
5. Following discussion at the hearing, the Council conceded that the evidence now demonstrated that Ms Sarah Bennett was a Traveller in respect of the definition in Annex 1 of the PPTS and that Mr Shane Varty, who lives with Ms Sarah Bennet on the appeal site, is a Travelling Showperson in respect of the definition in Annex 1 of the PPTS. I address this matter in more detail later in the decision, but I do not disagree with the main parties agreed position about the Traveller and Travelling Showperson status of Ms Bennett and Mr Shane Varty.

The Notice

6. At the hearing, I sought clarification from the main parties in terms of the use of the stables from the point of view of whether they were in fact incidental to the primary use of the appeal site for residential use purposes. The evidence is that the stables are used by the appellant and her own horses are kept on the site. The main parties agree that the stables building is incidental to the primary use of the site for residential purposes and hence that the breach of planning control does not relate to a mixed use. I do not disagree with this view.
7. The main parties also agreed at the hearing that when the notice was issued the 'other buildings', as shown on plan 2 attached to the notice, were also in use for incidental residential purposes.

Appeal A - ground (a) appeal and the deemed planning application

Main issues

8. The appeal made on ground (a) of s174 of the Act is that planning permission ought to be granted in respect of the breach of planning control which may be constituted by the matters stated in the notice. I have considered the reasons for issuing the notice and the fact that the appeal site falls within land designated as Green Belt. The main issues are therefore: -
- whether the breach of planning control is inappropriate development in the Green Belt and its effect on openness and the purposes of Green Belt,
 - the effect of the development on the character and appearance of the area,
 - whether there is sufficient outside space for the welfare of horses associated with full use of the stables having regard to policy DM15 of the adopted Rochford District Council Local Development Framework Development Management Plan 2014 which stipulates no more than one stable for each 0.4 hectares of site area,
 - the provision and need for Gypsy and Traveller pitches,
 - the personal circumstances of the family including the best interests of the children, and,
 - whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Whether inappropriate development and openness/purposes of the Green Belt

9. The Council now agrees that the breach of planning control relates to a Traveller site in the Green Belt. It is also common ground that the appeal development constitutes inappropriate development in the Green Belt. Indeed, Policy E (paragraph 16) of the PPTS states that '*Traveller sites (temporary or permanent) in the Green Belt are inappropriate development*'.
10. I conclude that the breach of planning control is inappropriate development in the Green Belt. This is a matter to which I afford substantial adverse weight in decision making terms. Given this conclusion, I also find that the appeal development does not ensure the protection of the Green Belt as stated in policy GB1 of the Rochford District Council Local Development Framework Development Management Plan 2014 (DMP).

Effect on openness and purposes of the Green Belt

11. There is common ground between the main parties that the appeal development has led to the loss of openness in the Green Belt and that there is conflict with one its purposes, i.e., safeguarding the countryside from encroachment. The Council conceded at the hearing that owing to the location of the appeal site (i.e., not immediately adjacent to the settlement edge of Rayleigh) that there was no conflict with the Green Belt purpose of checking the unrestricted sprawl of large built-up areas. I do not disagree with that agreed position.

12. The evidence is that there is no authorised development on the site. The main parties agreed at the hearing that the lawful use of the site was that of a 'nil' use. In this regard, the site would otherwise be devoid of buildings, structures and a mobile home. To this extent, harm has been caused to the openness of the Green Belt in spatial terms.
13. The appeal site is away albeit not remote from the built-up settlement of Rayleigh. There is some sporadic development in the locality, albeit that the area is experienced as being semi-rural in character with narrow lanes lined with hedges. There is a sense of spaciousness in and around the occasional and mainly residential properties on Trenders Avenue.
14. While the development is not conspicuous from long distance views, owing to intervening landscaping, the breach of planning control has nevertheless resulted in a more developed site when appreciated from the lane at the front of the site which is also part of public right of way 'Rawreth 54'. In this regard, I find that some localised visual harm has been caused to the openness of the Green Belt.
15. When the spatial and visual aspects of the development are considered, I find that limited harm has been caused to the openness of the Green Belt. This is indeed the conclusion reached by the main parties.
16. Use of the appeal land for residential purposes, including associated domestic paraphernalia, buildings, structures and the parking of vehicles, has resulted in a site which appears more urban in appearance relative to the otherwise undeveloped nature of the site from a lawful development point of view. To this extent, I find that the appeal development has failed to safeguard the countryside from encroachment. In this regard, there is conflict with one of the purposes of the Green Belt.

Character and appearance

17. The appeal site is positioned at the end of Trenders Avenue where it meets Vanderbilt Avenue. As part of my site visit, I experienced the appeal site as falling within an area which has sporadic residential and other development, albeit that it has a semi-rural character.
18. The main parties agreed at the hearing that while the breach of planning control had clearly changed the open and rural appearance of the site, it is not conspicuous from any medium or long term views and is essentially only noticeable by those that immediately pass the site.
19. It is noteworthy that the PPTS does not preclude, in land-use principle terms, Traveller sites in rural areas. I agree with the main parties that the development has resulted in limited visual harm being caused to the character and appearance of the area. However, that limited harm would be capable of being addressed by means of additional landscaping/planting and from a more orderly arrangement to the layout of the site. The main parties agreed at the hearing that this could be controlled by the imposition of a planning condition. I do not disagree with this position.
20. For the above reasons, I find that subject to the imposition of a condition, no harm would be caused to the character and appearance of the area. In contextual terms, the development would be capable of assimilating well into this countryside location which includes other sporadic development within

plots of land. I therefore conclude that the development would accord with the character, appearance and design requirements of policy DM1 of the DMP, policy CP1 of the Rochford District Council Local Development Framework Core Strategy 2011 (CS) and chapter 12 of the Framework.

Welfare of horses

21. Policy DM15 of the DMP supports the erection of small-scale equestrian development (fewer than 10 stables) provided that the '*maximum number of stables per hectare is related to the amount of open space. The requirement will be no more than one stable for each 0.4 hectares of site area*'. The site area is approximately 0.24 of a hectare and the evidence is that when the notice was issued, there were four horses occupying the five stables building. At the hearing, the appellant confirmed that this was still the case.
22. Based on four horses using the stables building there would be a requirement for 1.6 hectares of open space and there would be a requirement for 2.0 hectares of open space if all five stables were used. The above policy requirement is drawn from British Horse Society Standards which seeks to safeguard the welfare of horses.
23. The evidence is that there is a deficiency of land on the site, and in the ownership of the appellant, to meet the requirements of policy DM15 of the DMP. Notwithstanding this position, the Council conceded at the hearing that there were several considerations which meant that the technical conflict with policy DM15 could be set aside. Firstly, the appellant has access to three areas of grazing land off the site, two of which have been used for more than 4 years. This relates to Andrea's (0.59 hectares), Leslie's (1.01 hectares) and Bricklayers' (1.37 hectares) land as delineated on an aerial photograph submitted by the appellant. While this land is not in the ownership or control of the appellant, there appears to be a long-standing arrangement in terms of use of most of it. Furthermore, the Council pointed out at the hearing that there was no evidence of any animal welfare issues in the last few years.
24. In addition to the above, the appellant confirmed at the hearing that that she owned all the ponies on the appeal site. She indicated that two of these were 'miniature Shetland ponies' and two were 'small ponies'. In this regard, the Council accepted that such small ponies would not need the same amount of grazing land as would larger horses. It was also stated that feed was brought onto the land, and that as the ponies had or were prone to laminitis, there were times of the year when they were not able to safely graze the land. The appellant was also keen to stress that as she was resident on the site, she and her children were conveniently on hand to attend to the welfare of the ponies.
25. In the context of the above, I find that while there is technical conflict with a requirement of policy DM15 of the DMP, the evidence is that no harm has been caused or is likely to be caused to the welfare of horses. This is therefore a matter of neutral consequence in the planning balance and is a matter that was also agreed by the Council at the hearing.

Gypsy and Traveller pitch need, provision and supply and development plan review

26. The most up to date document relating to objectively assessed need for Traveller pitches in the district is the 2019 South Essex Gypsy, Traveller and Travelling Showpeople Accommodation Assessment Update 2016-2038 (GTAA

- 2019). This identifies an additional need in the district of Rochford for 18 pitches for those Travellers that meet the PPTS definition, an additional 3 pitches from 'unknown' Gypsy and Traveller households, and 11 additional pitches for households that did not meet the PPTS definition.
27. Policy H7 of the CS states that the Council will allocate 15 pitches by 2018. This is reflected though an allocation of a site at Michelin's Farm identified in policy GT1 of the Rochford District Council Local Development Framework Allocations Plan 2014. These pitches have not yet been provided and according to the Council's 'Assessment of Five-year Supply of Traveller Pitches' August 2023 (Five Year Supply Assessment 2023) *'it is not possible to say when the allocated site GT1 will be delivered'*.
28. There is common ground between the main parties that insufficient pitches are provided in the district to meet the need as stated in the 2019 GTAA. Furthermore, the Council cannot demonstrate a five-year supply of Gypsy and Traveller sites which, in the context of the PPTS, is a material planning consideration that weighs in favour of allowing the appeal. The Five-Year Assessment states that while some of the need may be addressed as part of the consideration of planning applications, *'the most effective way of addressing short and long term accommodation needs of Gypsy and Traveller households is the through the New Local Plan, which is anticipated for adoption in 2024/25'*.
29. At the hearing, the Council confirmed that the new local plan had not yet reached Regulation 19 stage and that the most recent Local Development Scheme indicated that it would be adopted in Autumn/Winter 2025. The appellant considers that this is an overly optimistic estimate for adoption of the new local plan as work on a revised GTAA has not yet commenced, and the new local plan would need to include a strategy to address the most up to date position in terms of the need for Traveller pitches in the district. The Council accepted at the hearing that there had been 'policy failure' in respect of the provision of Traveller pitches in the district and that they were in the process of commissioning work to commence a new GTAA.
30. In the context of the above, even if the new local plan were to be adopted in autumn/winter 2025, it would then be some time before planning permissions were approved for Traveller pitches and the necessary infrastructure in place to ensure residential occupation. The failure of the Council to provide much needed Traveller pitches now, and the length of time before a new development plan is adopted and pitches provided in the district to enable residential occupation, are matters to which I afford very positive weight in favour of granting planning permission for the breach of planning control.

Availability of alternative sites

31. The Court of appeal has found that it is not for the applicant to establish there are no available alternative sites. Nonetheless, there is no dispute between the parties that there are currently no alternative Traveller pitches available in the area.
32. In written evidence, the Council considers that the appellant does not have an aversion to bricks and mortar housing and, therefore, this diminishes the weight to the fact that there are currently no available alternative Traveller pitches to meet her accommodation needs. This view is drawn from the fact

that prior to occupying the site, she lived in a bricks and mortar property in Rainham, London with her former husband and then Canvey Island, Essex with her mother. Following the passing of her mother, and breakdown of her relationship with her husband, the above dwellings were sold. The evidence indicates that it was following these events that Ms Bennett and her children occupied the appeal site.

33. Furthermore, the Council comment that their Housing Team were contacted prior to occupation of the appeal site from an advisory point of view and that this infers that Ms Bennett does not have an aversion to bricks and mortar housing.
34. At the hearing, the appellant acknowledged that she had previously lived in a dwellinghouse in Rainham. However, she indicated that she could not cope with that way of life which led the breakdown of her relationship with her husband. After this, the evidence is that she went to live with her mother in Canvey Island.
35. It is not disputed by the Council that Ms Bennett was born and raised in a Romany caravan and that she travelled with her family for work. The evidence is that she did not live in the bricks and mortar property in Canvey Island with her mother and instead lived in a caravan on the drive. While Ms Bennett has previously lived in a bricks and mortar dwelling, I do not doubt that this way of life contributed towards the breakdown of her marriage to a 'non-Romany'. Owing to her Romany Gypsy upbringing, which included living in a caravan, I am persuaded that she does have an aversion to living in a bricks and mortar property.
36. While Ms Bennett did contact the Council's Housing Services department prior to occupying the appeal site, this does not mean that she does not have an aversion to bricks and mortar housing. There is no written evidence before me of the precise advice that was sought from the Council's Housing Services department at this time and, in any event, given the needs of her children I find that it is likely that any aversion to bricks and mortar housing would have been put to one side had the availability of Council accommodation been the only option available to her from a day to day living point of view and, importantly, the care of her children. The evidence is that there were no available Traveller pitches in the area prior to her occupying the appeal site and hence it is not surprising that she contacted the Council at this stage.
37. The evidence indicates that when the notice was issued, there were no available alternative Traveller sites for occupation by the appellant and her family. The Council agreed at the hearing that this was still the position.

Personal circumstances - Gypsy/Traveller and Travelling Snowpersons status

38. The appellant claims that she is a Romany Gypsy and that her partner, Mr Shane Varty, who is also living in the mobile home on the appeal site, is a Travelling Showperson.
39. In respect of the above, I have considered Article 8 of the European Convention on Human Rights, as incorporated into the Human Rights Act 1998, which states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial.

Furthermore, in exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity. The Act recognises that race constitutes a relevant protected characteristic for the purposes of PSED. Romany Gypsies and Irish Travellers are ethnic minorities and thus have the protected characteristic of race.

40. The evidence is that the appellant was brought up as a Romany Gypsy and travelled regularly with her family in caravans for economic purposes. While the Council raise concern that this claimed status was not brought to their attention at enforcement investigation stage, it does not provide any objective evidence to refute what the appellant now says about her nomadic habit of life, particular as a child. Indeed, at the hearing the Council accepted that the appellant was a Traveller in respect of the PPTS definition.
41. Since having children, and the passing of her parents, the appellant has not been able to exercise a nomadic habit of life, including travelling for an economic purpose. She is living with the three children of school age. The evidence is that she needs to be on hand to care for the children on a day-to-day basis.
42. There was originally dispute between the main parties in terms of whether Mr Varty is, by definition, a Travelling Showperson. The breach of planning control does not relate to a Travelling Showperson site. Nonetheless, at the hearing the Council did not dispute the oral evidence from Mr Varty who confirmed that he had been brought up on the 'Buckles Lane' site where his family store fairground equipment. He indicated that he had not lived on the site for some time owing to a family 'falling out'. Mr Varty stated at the hearing that he continued to be engaged in fairground work, albeit that this temporarily ceased during the Covid-19 pandemic. This was not disputed by the Council.
43. Notwithstanding the above, the status of Mr Varty is not a determinative matter. The breach of planning control does not relate to a Travelling Showperson site. Nonetheless, I have no reason to doubt the oral evidence of Mr Varty which demonstrates that he plays an active part in family life on the site, including caring for the children. This is a matter which is of relevance in terms of the consideration of the personal circumstances below.

Personal Circumstances – the family including best interests of the children

44. I am mindful that Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. The appellant has three children. The needs of the children must in law be a primary consideration in the determination of the appeals.
45. One child attends college and two are at a primary school. Two of the children have disabilities and require educational support and intervention on a day-to-day basis. One child is in the process of being assessed for therapy. Without a settled base, the appellant claims that the education of her children would be unacceptably interrupted and given the lack of alternative sites in the area, would be uncertain from a roadside existence. On the evidence that is before me, I have no doubt that a settled base is having a positive impact on the emotional and educational well-being of the appellant's children. Furthermore, I

heard at the hearing that potentially leaving the site, or being separated from the horses, was having an adverse impact on at least one child considering their identified health condition.

46. I find that if the enforcement notice were to be upheld, it would in turn disrupt the education and social well-being of the children. The best interests of the children are matters to which I afford very significant weight, as material planning considerations, in favour of granting planning permission. The longer the children are permitted to stay on the appeal site, the greater the likelihood is that there will be less disruption to their emotional, health and educational wellbeing.

Planning balance

47. I find that the appellant is a Traveller for the purposes of applying the definition in annex 1 of the PPTS. The breach of planning control amounts to inappropriate development in the Green Belt. This is a matter to which I afford substantial adverse weight in the planning balance. Limited harm has been caused to the openness of the Green Belt and the development conflicts with one of the purposes of Green Belt, namely safeguarding the countryside from encroachment. Subject to the imposition of a planning condition, no harm would be caused to the character and appearance of the area. While there is some technical conflict with policy DM15 of the DMP, in this case the evidence is that there is sufficient land available for the grazing of the ponies and there is no evidence of harm being caused to their welfare. The conflict with policy DM15 of the DMP is therefore outweighed by the site-specific considerations.
48. Weighed against the above are the personal circumstances of the appellant's children, the unmet need for Traveller sites in the district, the failure of development plan policy, the Council's inability to demonstrate a five-year supply of deliverable Traveller sites, the absence of any Traveller pitches for occupation by the appellant and her dependants at this moment in time, and the length of time likely before a new development plan is adopted which includes a strategy to address up to date need for Traveller pitches in the district.
49. On balance, I find that the harm caused to the Green Belt by reason of inappropriateness, and the other harm, is clearly outweighed by the identified other considerations above, so as to amount to the very special circumstances necessary to justify the development on a permanent basis.
50. In reaching the above conclusion, I have considered Policy E (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*'. In this case, however, it is the collective other considerations identified above, including the best interests of the children, which amount to the very special circumstances necessary to justify the development on a permanent basis. It is noteworthy that this conclusion mirrors the agreed position of the main parties at the hearing. Furthermore, my conclusion reflects the agreed position of the main parties, which is that subject to the imposition of conditions the breach of planning control would not conflict with any of the other detailed requirements of the PPTS.

Ground (a) appeal conditions

51. The Council has suggested several conditions. Those that I have imposed were agreed by the appellant at the hearing. Where necessary, I have amended the agreed conditions in the interests of precision and certainty and to ensure that they meet the tests for conditions as outlined in paragraph 56 of the Framework.
52. My on-balance decision to grant planning permission on the site considers several material considerations including the personal circumstances of the family. This includes the best interests of the children. Collectively, these other considerations are afforded enough weight to demonstrate the very special circumstances to justify granting planning permission in the Green Belt. In this regard, it is therefore necessary that I impose a personal planning condition. The evidence is that Mr Shane Varty plays an active role in family life including caring for the children. It is therefore appropriate that he is named in the personal condition. This was agreed by the Council at the hearing.
53. In the interests of the character and appearance of the area, and to ensure that the appellant can maintain a Traveller lifestyle, it is necessary to impose a condition relating to the number of static and touring caravans that can be on the site.
54. In the interests of the character and appearance of the area, it is necessary to include conditions relating to controlling the internal layout of the pitch including landscaping and boundary treatments, replacement planting within five years, the retention of the existing hedgerow/treeline along the northern and eastern boundaries of the site, the prohibition of commercial, industrial and business activities, and that no vehicle over 3.5 tonnes can be stationed, parked or stored on the land.
55. In the interests of the living conditions of the occupiers of the site, and the environmental conditions of the area, it is necessary to impose a drainage condition.

Ground (a) appeal conclusion

56. For the reasons outlined above, I conclude that the ground (a) appeal should succeed.

Appeals A & B - ground (g) appeals

57. Given my conclusion in respect of the ground (a) appeal, it has not been necessary for me to consider the appeals made under ground (g).

Conclusions

Appeal A: APP/B1550/C/21/3286151

58. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the formal decision.

Appeal B: APP/B1550/C/21/3286152

59. Given my conclusion in respect of Appeal A, it has not been necessary for me to consider the appeal made under ground (g).

D Hartley

INSPECTOR

Appeal A: APP/B1550/C/21/3286151 - Schedule of Conditions

1)The use hereby permitted shall be carried out only by Ms Sarah Bennett and her resident dependants and Mr Shane Varty. When the land ceases to be occupied by Ms Sarah Bennett and Mr Shane Varty, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

2)No more than two caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended, shall be stationed on the site at any one time, comprising no more than one static and one touring caravans.

3)The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed 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 3 months of the date of this decision a scheme with details for:

(a) the internal layout of the site including the extent of the residential pitch showing the size, siting and screening of an area of not less than 50 square metres in total to be provided for amenity space on land adjoining the mobile home to provide an outdoor amenity area separate from the equestrian use for the residential occupier, the location of the caravans and vehicle parking showing the provision of two car parking spaces within the site, each measuring a minimum depth of not less than 5.5m and a minimum width of 2.9 metres, any buildings, hard standings and external lighting;

(b) all boundary treatments and all other means of enclosure (including internal sub-division) and incorporating the retention (and augmentation where necessary) of the existing hedgerow around the entirety of the site;

(c) hard and soft landscaping and screen planting including details of species, plant sizes and proposed numbers and densities; (hereafter referred to as the 'site development scheme') shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable.

Once agreed, the scheme shall be implemented within 4 months from the approval date and subsequently maintained in the approved form for this use for the duration the mobile home is present on the site.

4)At the same time as the site development scheme required by condition 3 above is submitted to the local planning authority there shall be submitted a schedule of maintenance for a period of 5 years of the proposed planting beginning at the completion of the final phase of implementation as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

5)The existing hedgerow and/or treeline along the northern and eastern boundaries shall be retained in its present form and not removed.

6)No commercial, industrial or business activities shall take place on any part of the site, including the storage of materials and goods.

7)No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

8)Within 3 months of the decision, details of the means of surface water drainage to include sustainable urban drainage methods and the means of foul water drainage, shall have been submitted for the written approval of the local planning authority. Once agreed the scheme shall be implemented within 3 months from the approval date and subsequently maintained in the approved form.

APPEARANCES

FOR THE APPELLANTS:

Dr Angus Murdock BA (Hons). MSc, PhD, MA, MRTPI (Planning Consultant)

Ms Sarah Bennett (Appellant A)

Mr Shane Varty (Occupier of the site)

FOR THE LOCAL PLANNING AUTHORITY:

Yvonne Dunn, Planning Manager

Mr Mike Stranks, Development Management Team Leader

DOCUMENTS SUBMITTED AT THE HEARING

- 1) Letter dated 21 August 2023 from Little Havens
- 2) Letter dated 22 September 2023 from a local school regarding the appellant's child (appellant A).
- 3) Letter dated 14 November 2023 from Essex Partnership University NHS Trust regarding the appellant's child (appellant A)
- 4) Photographs of the appellant's family (appellant A)
- 5) Rochford District Council Local Development Scheme 2021-23