



Appeal Decisions

Hearing held on 11 & 13 July 2023

Site visit made on 13 July 2023

by D J Board BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2024

Appeal A Ref: APP/W1525/W/23/3316812

Land opposite Leedanton Farm, Cumming Road, Downham, BILLERICAY, CM11 1LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Patrick David Kerrigan against the decision of Chelmsford City Council.
 - The application Ref 22/00965/OUT, dated 16 May 2022, was refused by notice dated 16 August 2022.
 - The development proposed is Outline planning application for bungalow and detached garage for residential use with access.
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Appeal B Ref: APP/W1525/W/23/3316813

Land opposite Leedanton Farm, Cumming Road, Downham, BILLERICAY, CM11 1LW

- 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 Patrick David Kerrigan against the decision of Chelmsford City Council.
 - The application Ref 22/00964/FUL, dated 16 May 2022, was refused by notice dated 26 August 2022.
 - The development proposed is 'The use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and day room ancillary to that use'.
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Decision

1. Appeal A – The appeal is allowed and outline planning permission is granted for bungalow and detached garage for residential use with access at Land opposite Leedanton Farm, Cumming Road, Downham, Billericay, CM11 1LW in accordance with the terms of the application, Ref 22/00965/OUT, dated 16 May 2022 subject to the conditions in Annex A.
2. Appeal B – The appeal is allowed and outline planning permission is granted for 'The use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and day room ancillary to that use' in accordance with the terms of the application, Ref 22/00964/FUL, dated 16 May 2022 subject to the conditions in Annex B.

Applications for costs

3. At the Hearing an application for costs was made relating to both appeals by Mr Patrick David Kerrigan against Chelmsford Borough Council. This application will be the subject of a separate Decision.

Preliminary Matters

4. The statement of common ground (SOCG)¹ refers to Appeal 1 and Appeal 2. For the avoidance of doubt these are referenced as A and B in this decision.
5. The application for Appeal scheme A was made in outline with access submitted for consideration. The appeal was considered on this basis.
6. The National Planning Policy Framework (The Framework) came into force on 19 December 2023. The main parties were given an opportunity to comment on this and I have taken the comments received into account.

Main Issues

7. The main issues in the Appeals are:
 - Whether the proposal would be inappropriate development for the purposes of the Framework and development plan policy (A & B);
 - the effect of the proposal on the openness of the Green Belt (A & B);
 - whether the site would be an appropriate location for residential development (A & B);
 - the effect of the scheme on designated European conservation sites (A); and
 - if the development is inappropriate, whether the 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 within the Green Belt (A & B).

Reasons

Whether inappropriate development?

Appeal Scheme A

8. The Chelmsford Local Plan (CLP) contains policies which seek to protect the Green Belt, S11 (A). There are also specific policies which consider New Buildings in the Green Belt, DM6 and infilling in the Green Belt, DM9. The approach of DM6 identifies that infilling can be an exception to inappropriate development subject to being in accordance with DM9.
9. The site is located in the Green Belt. In the case of Appeal scheme A the appellant submits that it could be considered under paragraph 154 (e) of the Framework as limited infilling in a village. To qualify for this exception the proposal must be both 'limited infilling' and in a 'village', terms which are not further defined in the Framework.

¹ HD1

10. The appeal site is a regular shaped piece of land. It is surrounded by open fields which are interspersed with residential development. It is located on the north east side of Cumming Road. There are buildings on the adjacent plots which are detached and have outbuildings. Therefore, whilst there is a wider rural setting to this part of the Green Belt it does in fact contains a variety of built development. The wider frontage to Cumming Road along this side contains further buildings with outbuildings. The appeal site is a gap within this local street scene. In this regard it does not function as a significant open site or a transitional or edge of settlement space. As such the addition of the Appeal scheme would be one dwelling which I consider by its very nature would be limited and it would fill an existing gap.
11. Considering the requirements of DM9 the proposal for Appeal scheme A would be a single dwelling within an area where there are existing dwellings. For these reasons I consider that this scheme would accord with parts (I) and (ii) of this policy. I will consider (iii) under openness.
12. Turning next to whether it would be in a village. There is no dispute that the site would not be located within the settlement hierarchy set out in policy S7. It is outside of the defined settlements of Wickford and Ramsden Bellhouse. Castledon Road extends north from Wickford has built form either side of it. Beyond the railway line the appeal site is within a cluster of dwellings on roads which extend from Castledon Road. As such when experienced on the ground the appeal site is within a small group of dwellings, albeit with a Green Belt designation. Overall, the appeal site is a small parcel of land that would be contained by existing buildings in the locality. As such I consider that it would be infill development that is limited within the overall context of a village location.
13. I therefore conclude that Appeal scheme A would be not inappropriate development in the Green Belt and accord with the exception at paragraph 154 (e) of the Framework. As such it would not conflict with the Framework or policies S11, DM6 and DM9 of the CLP.

Appeal Scheme B

14. Paragraph 155 (e) of the Framework refers to material changes of use and that they can be not inappropriate provided they preserve its openness. Policy E of the Planning Policy for Traveller Sites (PPTS) specifically defines traveller sites as inappropriate development in the Green Belt (paragraph 16). The main parties agree that the proposal is inappropriate development in the Green Belt as set out in paragraph 16 of the PPTS². Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Openness

15. The Framework is clear that the government attaches great importance to Green Belts and that their essential characteristics are their openness and permanence. Openness is an essential quality of the Green Belt. It has a visual dimension as well as a spatial aspect.
16. Appeal scheme A would introduce a single storey dwelling and associated garage building onto the site. The plans show that the dwelling would be positioned to align with the existing bungalow on the adjacent site. The layout

² HD1 page 5 under matters of agreement for appeal B

plans also denote the position of existing trees, hedges and fencing along the site boundaries. Part (iii) of CLP policy DM9 refers to impacts on the function and purpose of the Green Belt when considering schemes for infilling. I have found that this scheme would be contained on a small plot and as such it would not conflict with parts (i) and (ii) of DM9. For the same reasons I consider that it would not have a harmful effect on the function and purpose of the Green Belt in this location.

17. Appeal scheme B would introduce a mobile home onto the site, day room building and an area for the positioning of a touring caravan on the site. Again the position of existing trees, hedges and fencing along the site boundaries is shown along with provision of parking within the site. The introduction of structures across the site would reduce the openness of the Green Belt in a spatial context by introducing buildings or structures where there are none at present. In particular the plans show that the areas of hardstanding associated with this scheme would be significant.
18. The scheme would not be highly visible as it would be seen within the context of the existing buildings in the street scene. There would be some domestic paraphernalia, but such items are not likely to be large or visually dominant. The parties agreed that the layout and landscaping details could be fixed by conditions and consider this would be a reasonable approach.
19. Overall, Appeal scheme B would not preserve openness and as such the proposal would be inappropriate development for the purposes of national Green Belt policy as set out in the Framework. This harm attracts substantial weight as set out at paragraph 153 of the Framework. The Council is also concerned that this conflict would lead to environmental harm to the Green Belt. There would be conflict with CLP policy DM3 (i) unless there are very special circumstances, which I consider further below.

Whether the site would be an appropriate location for residential development

20. In terms of the site location the reasons for refusal on both decisions refer to the absence of street lighting in the locality, lack of pedestrian footways and the poor public transport links for the site. As such I will address this matter together for both appeal schemes. In doing so I am mindful that the PPTS sets out at paragraph 13 that *'...Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally...'* and it goes on to set out criteria for local policies and part (d) is applicable which sets out the need to *'...provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment...'*
21. Concerns were raised regarding the distance of the site from day to day services and that the Council's strategic approach requires considerations of access to cycle, bus and walking modes³. Local residents are also concerned that due to the speed limit and bends along it the Castledon Road is not conducive to walking. There are multiple bus routes and stops within walking distance of the site. There are also public rights of way accessible from Cumming Road. Issues were also raised regarding the access to the bridleways and the general safety of walking them to access bus connections. The choice of routes would be unmade and unlit footpaths or along a busy main road.

³ CLP policies S1 and S7

Therefore, overall, I consider that there would be some barriers to residents of the appeal site accessing facilities on foot.

22. I understand that the Councils policies⁴ seek to direct development to the most sustainable locations. In particular in and around the settlements at the top of the settlement hierarchy. Downham is identified in the CLP as being a Service Settlement within the Green Belt. That said I note that the area of dwellings within which the appeal site is located is on the north edge of Wickford. In addition to this the policy does not seek to wholly prevent new development in smaller settlements. It would not be realistic to suppose that future occupiers of either appeal scheme would not utilise the private car. However, I was able to see on the site inspection that the appeal site would be close to the existing dwellings in the locality. It would therefore have a similar relationship to them in terms of access to services.
23. Therefore, overall, whilst I acknowledge that the site location would not be wholly compliant with the strategy of S1 and S7 it would not entirely conflict with it either. I do not consider that it is reasonable to expect that a new development in this location should be wholly accessed by means other than the private car. I have been provided with evidence which demonstrates that future residents would have a choice in the same way existing residents do. I therefore conclude that the proposed development schemes would, overall, be in a suitable location. Therefore they would not conflict with CLP policies S1 and S7.
24. The Council has drawn my attention to another appeal decision in the Borough⁵ where the location of a scheme was found to be unsuitable. I do not have all the details of this case. However it was a scheme for conversion to create dwellings. It also appears to be in a different location of the Borough to the appeal site. Therefore whilst I have considered it carefully it is not directly comparable, and I have in any event judged the schemes before me on their merits on the matter of location.

Other considerations – Appeal scheme B

25. According to paragraph 152 of the Framework inappropriate development is by definition harmful to the Green Belt. Paragraph 153 advises that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The appellant has put forward a number of other considerations in this case.

The need for and supply of gypsy sites

26. The PPTS aims to promote more private traveller site provision and to increase the number of traveller sites in appropriate locations with planning permission to address under provision and maintain an appropriate level of supply. It also requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets.
27. As background evidence to the CLP the Council commissioned a Gypsy and Traveller Accommodation Assessment (GTAA). This is for the period 2016-

⁴ CLP policies S1 and S7

⁵ CCC9

2033 within which the 'identified need' is given as 8 pitches. The Council set out that extrapolated to 2036 this would be 9 pitches. The Council's strategy for supplying sufficient pitches to meet the identified need is through a land allocation. This is set out in CLP policy GT1 for 10 pitches at Drakes Lane. The Council's Hearing statement sets out that planning permission has been granted for this development⁶ and that it is occupied. The Policy GT1 site at Drakes Lane by the Councils own admission is almost fully occupied (9 out of 10 pitches)⁷ and as such the route to any further provision would be through the Council's criteria based policy for addressing any unknown need.

28. The appellant is concerned that the GTAA is out of date and that there are limitations to it based on the approach of the company carrying out the interviews⁸ which would mean that the identified need expressed in the GTAA is significantly below actual need. At the time of the Hearing the appellant also considered that the PPTS definition compounded this. Nonetheless, the Inspector examining the Local Plan was satisfied with the GTAA and the strategy for any additional unknown need to be met through criteria based policies was also found to be sound and in my view is applicable in this case.
29. The Council's overall approach is not limited to sites identified through the plan process, in this case CLP policy GT1 as they have policy DM3 which follows the approach advocated in the PPTS to address any possible unknown need or where applications nevertheless come forward. As such policy DM3 is relevant to the appeal scheme and it allows for the proper assessment of additional sites on a case by case basis.

Alternative sites

30. I heard that currently the appellant lives on his parents site which is located opposite to the appeal site⁹ and has a campervan there. The appeal site is in his ownership and has been for several years. He does not own any other land and has no knowledge of authorised sites for sale or rent in the area. The appellant has not looked further for sites as the professional advice that he has received was that he could get planning permission for the appeal site in some form. As such his view was that there was no need to look further. In particular I was told that pre application advice was sought for the scheme for a single house. In terms of public sites the appellant has used transient sites. However, overall, he does not consider that this would be a long term option for his family as the pitches are smaller and often overcrowded. Based on the evidence before me no known suitable alternative sites are available for the appellant and his family.

Personal circumstances, accommodation needs & best interests of the child¹⁰

31. The appellant is an Irish traveller. His statement to the Hearing sets out that he is self employed as a builder and that his gypsy culture and traditions are important to him, his family and in the upbringing of his children. In terms of his personal need the appellant is in need of a permanent pitch.

⁶ CCC11, CCC12, CCC13

⁷ Councils statement para 91

⁸ Statement of Need on behalf of the appellant February 2023

⁹ The Hearing was told that this site benefits from a Lawful Development Certificate

¹⁰ HD2

32. The appellant does travel for work and as such requires the support of his extended family to care for his children. In addition, the family travel in the summer to uphold the gypsy culture and traditions that are important to the appellant and his family.
33. There would be four children on the site when the appellant's children reside with him. At the Hearing I heard that this was at least fifty percent of a typical week. All of the children attend school locally and in particular his eldest child utilises a school that addresses his specific developmental needs¹¹. The evidence provided at the Hearing also confirmed that his daughter may need to access this specialist provision in the future.
34. If allowed the appeal scheme B would be occupied by the appellant. The Council have questioned why the appeal site would be optimal in terms of personal circumstances for access to schools and nurseries for the appellants children. I heard that his children would reside with him part of the week as he shares the care of them with his ex-wife. His parents and sisters provide support, and all reside on the site opposite and are integral to the support from the wider family unit.
35. The appeal site would provide a settled base from which the appellant and his family could continue to access education. This would be advantageous to the well-being of the family and it would also be in the best interests of the children. It would also be close to his sisters and parents. These matters count in favour of the proposal and accord with the aims of the PPTS to enable the provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure.
36. As a settled rather than a mainly roadside existence would clearly be in the best interests of the children. It would ensure easier access to education, which would be the case for the children already at school. Therefore, I give the best interests of the children substantial weight.

RAMS and mitigation – Appeal Scheme A¹²

Appropriate assessment

37. The proposal is within the identified Zone of Influence for European Sites covered by the Essex Coast RAMS which includes SAC, SPA and RAMSAR sites. The qualifying features of the site are that they provide coastal habitats for internationally important numbers of breeding and non-breeding birds. The conservation objectives are to seek to ensure that levels of bird disturbance are not increase and the future occupants would be likely to use the Essex Coast thereby increasing visitor pressures on the protected habitats, leading to potential harm. I therefore consider that the effects of the proposed dwelling, both on its own and in combination with other development projects, is such that they are likely to have significant effects on the integrity of these habitats. In such circumstances, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) indicates the requirement for an Appropriate Assessment (AA). As the Competent Authority, I have therefore undertaken an AA.

¹¹ HD4

¹² HD8 documents a-d

38. Various mitigation measures in response to the pressures on the habitat that I have identified above are set out in the Essex Coasts RAMS Strategy 2018-2038. The measures include water recreation restrictions, rangers and in some cases restricted access¹³. It is a comprehensive suite of mitigation measures. Funding for the measures is calculated and a per dwelling averaged cost provided. I am satisfied that the mitigation payment is required to avoid an adverse effect on the integrity of the European sites.
39. The appellant has made this payment and the Council has provided evidence of this¹⁴. I am therefore satisfied that the necessary payments have been secured. This is necessary and would ensure that there are no likely significant effects on the European sites. Therefore, the integrity of the European sites would not be adversely affected, and the proposal would comply with CLP Policy DM16 in this respect.

Other matters and planning balance

40. Local residents raised that there is an injunction on the land which places various restrictions on the site. The Council's appeal statement¹⁵ and officer report clarifies that '*...the Injunction order states that this does not prevent the applicant from using the land for a purpose which has express planning permission..*' As such the Appeal schemes are judged on the individual merits.

Appeal scheme A

41. The Council has referred me to a previous decision¹⁶ where a scheme was dismissed for a chalet bungalow. This decision was made in 2002 based on the policies in place at that time and the judgement of the decision maker. In particular assessment of the character of the area and effect on the Green Belt. I have carefully considered this decision. Nevertheless, it does not alter or outweigh my findings on the main issues in this case.
42. Overall I consider that the appeal scheme would be limited infill that would not harm the openness of the Green Belt, would be in an appropriate location and would not harm designated European conservation sites. It would therefore accord with CLP policies S11, DM6, DM9, S1, S7 and DM16 and the policies of the Framework.

Appeal scheme B

Whether the 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.

43. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. PPTS paragraph 16 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.

¹³ Detailed in Table 7.1 and Figure 7.1 of the RAMS Strategy

¹⁴ HD8 a & b

¹⁵ CCC8

¹⁶ CCC7

44. As set out above, there would be harm to the Green Belt by reason of inappropriateness and in relation to openness and the purposes of including land in the Green Belt. There would also be harm from the sites' location in the countryside and some limited conflict with S7 in this regard.
45. Acknowledging the Council has a site in the plan, and no alternative sites are available for the appellant, in this case it is the personal need and circumstances of the family group that carries significant weight in favour of the proposal. In particular, with this family group, the best interests of the children are a primary consideration which are at the forefront of my mind in considering the overall balance.
46. I have had due regard to the Public Sector Equality duty (PSED) in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Since the appeal is made for a gypsy site, they are persons who share a protected characteristic for the purposes of the PSED. Although it does not automatically follow that the appeal should succeed the equality implications add weight to my overall conclusion that the appeal should be allowed.
47. Cumulatively, the other considerations would clearly outweigh the harm to the Green Belt. Looking at the case as whole, and consciously thinking about the three aims of the Equality Duty, I consider that very special circumstances exist which justify the proposal. Therefore, the proposal would accord with PPTS paragraph 16 and NPPF paragraph 153.
48. At the Hearing, the appellant suggests a temporary planning permission could be possible. However a temporary permission would not provide the long-term stability for the appellant and his children. In any case, a permanent personal permission would be acceptable based on the above balancing exercise. Therefore, I have not considered a temporary permission any further.

Conditions [numbers in brackets]

49. I have considered the conditions put forward and discussed at the Hearing. A final agreed version of these was submitted as part of the final signed and dated SOCG¹⁷. I have considered the conditions against the Framework, the PPG and where necessary I have amended the wording in the interests of precision.

Appeal A

50. Conditions are required as that set the necessary time limits for submission of reserved matters and time limit [1, 2, 3]. In the interests of highway safety it is necessary to secure detail of the access arrangement and location of any proposed gates. These conditions include the various requirements of the local highway authority which I have re drafted for clarity [4, 5]. In accordance with CLP policy DM25 conditions are necessary and reasonable for the installation of charging infrastructure and water efficiency [6, 7].

¹⁷ HD1

Appeal B

51. Conditions are required as that set the necessary time limit and control the approved drawings as this provides certainty [1, 2]. Similarly conditions [5, 6] would provide clarity over what is approved and the circumstances in which the use should cease.
52. Given the nature of the case and the weight attributed to personal circumstances of some of the occupants in the overall balance and a need for a pitch for all of the occupants the permission needs to be made personal and limited to gypsies and travellers [3, 4].
53. In the interests of the character and appearance of the area conditions are reasonable and necessary to secure a scheme of landscaping [7, 8]. In the interests of highway safety it is necessary to secure detail of the access arrangement and location of any proposed gates. These conditions include the various requirements of the local highway authority which I have re drafted for clarity [9, 10].

Conclusions

54. For the above reasons and having regard to all other matters raised the appeals are allowed.

D J Board

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Green, Director, Green Planning Studio Ltd

Patrick Kerrigan (Appellant)

FOR THE LOCAL PLANNING AUTHORITY:

Joshua Fitzwater, Planning Officer
BA (Hons), MSc

Stephen Dunks, Planning Officer
BA (Hons)

Kirsty Dougal, Planning Environment Manager
BSc (Hons), MSc, MRTPI

INTERESTED PARTIES:

Kevin Williamson

Bill Calnan

Jonathan Dodd

DOCUMENTS SUBMITTED AT THE HEARING (HD)

1. Statement of Common Ground dated 10 July 2023
2. Signed copy of A18 – Witness Statement of Mr Patrick Kerrigan
3. Chelmsford Local Plan policies – S6, DM1, DM25
4. Personal documents (redacted) submitted on behalf of the appellant
 - a. Letter from family support advocate
 - b. Letter from family GP
 - c. Letter from specialist Health Visitor
5. Maps and timetables for bus routes (2, 9, 10, 13, 13A, 14, 94, 94A, 94B, 725) & PROW
6. Bus routes and timetables (3, 12, 251, 625)
7. Ann Dear V SSCLG and Doncaster Metropolitan BC
8. Email from Council regarding the Recreational Disturbance Avoidance and Mitigation Strategy
 - a. RAMS receipt FUL application
 - b. RAMS receipt OUT application
 - c. Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy Supplementary Planning Document May 2020
 - d. Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy (RAMS) Habitats Regulations Assessment Strategy document 2018-2038

Annex A – Conditions Appeal A APP/W1525/W/23/3316812

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The building shall not be occupied until a scheme for the provision of the means of access for vehicles shown on the approved plan has been submitted and agreed in writing by the Local Planning Authority. This shall include detail of surface treatment within six metres of the highway, detail of the discharge of surface water from the development and the width of the access at its junction with the highway. The works shall be carried out in accordance with the agreed detail and the access shall be retained thereafter.
- 5) Details of the position of any gates to be provided at the vehicular access shall be submitted to and agreed in writing by the Local Planning Authority before the building is occupied. Development shall be carried out in accordance with the approved details.
- 6) Prior to the first occupation of the dwelling hereby permitted, charging infrastructure for electric vehicles shall be installed and retained at a rate of 1 charging point per dwelling.
- 7) The dwelling as hereby approved shall be constructed to achieve increased water efficiency to a standard of no more than 110 litres of water per person per day in accordance with Building Regulations Approved Document Part G (2015 - as amended).

END

Annex B – Conditions Appeal B APP/W1525/W/23/3316813

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20-1097B-001, 20-1097B-003, 20-1097B-004, 20-1097B Close Boarded Fence, 20-1097B Close Boarded Gate.
- 3) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.
- 4) The occupation of the site hereby permitted shall be carried on only by Mr. Patrick Kerrigan and their resident dependents.
- 5) When the land ceases to be occupied by those named in condition 4 above 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.
- 6) There shall be no more than 1 pitch on the site and on the pitch hereby approved no more than 2 caravans (of which no more than 1 can be a mobile home or static caravan), shall be stationed at any time.
- 7) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants 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.
- 9) The caravans shall not be occupied until a scheme for the provision of the means of access for vehicles shown on the approved plan has been submitted and agreed in writing by the Local Planning Authority. This shall include detail of surface treatment within six metres of the highway, detail of the discharge of surface water from the development and the width of the access at its junction with the highway. The works shall be carried out in accordance with the agreed detail and the access shall be retained thereafter.

- 10) Details of the position of any gates to be provided at the vehicular access shall be submitted to and agreed in writing by the Local Planning Authority before the building is occupied. Development shall be carried out in accordance with the approved details.

END