



Appeal Decisions

Hearing held on 9 January 2024

Site visit made on 9 January 2024

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal A Ref: APP/W0530/W/23/3322128

**Land east of Plot 2, Moor Drove, Histon, Cambridge, Cambridgeshire
CB24 9AN**

- 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 Chasey Price against the decision of South Cambridgeshire District Council.
- The application Ref 21/01173/FUL, dated 17 February 2021, was refused by notice dated 17 November 2022.
- The proposal is the change of use of land to a residential caravan site for 6 gypsy families, each with two caravans, including 6 No. amenity buildings and laying of hardstanding.

Appeal B Ref: APP/W0530/W/23/3322185

**Land east of Plot 5, Moor Drove, Histon, Cambridge, Cambridgeshire
CB24 9AN**

- 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 Bill Price against the decision of South Cambridgeshire District Council.
- The application Ref 21/01172/FUL, dated 17 February 2021, was refused by notice dated 17 November 2022.
- The proposal is the change of use of land to a residential caravan site for 3 gypsy families, each with two caravans, including no more than one static caravan/mobile home, together with 3 No. amenity buildings and laying of hardstanding.

Decision

1. Appeal A is allowed, and planning permission is granted for use as a residential caravan site for 6 gypsy families, each with two caravans, including 6 No. amenity buildings and laying of hardstanding at land east of Plot 2, Moor Drove, Histon, Cambridge, Cambridgeshire CB24 9AN in accordance with the terms of the application Ref 21/01173/FUL, dated 17 February 2021, subject to the conditions set out in the schedule to this decision notice.
2. Appeal B is allowed and planning permission is granted for use of land as a residential caravan site for 3 gypsy families, each with two caravans, including no more than one static caravan/mobile home, together with 3 No. amenity buildings and laying of hardstanding at land east of Plot 5, Moor Drove, Histon, Cambridge, Cambridgeshire CB24 9AN in accordance with the terms of the application Ref 21/01172/FUL, dated 17 February 2021, subject to the conditions set out in the schedule to this decision notice.

Preliminary Matters

3. The Government issued a revised version of the Planning Policy for Traveller Sites on the 19 December 2023 (the PPTS). The revision relates to the definition of Gypsies and Travellers contained in Annex 1 of the PPTS following recent case law¹. Parties had the opportunity to comment on this prior to the Hearing.
4. Since the application was determined, a revised National Planning Policy Framework (Framework) was published in December 2023. Policies that are material to this decision have not fundamentally changed and I have had regard to the latest version of the Framework and new paragraph numbers in reaching my decision.
5. The Council stated in its statement of case that the appeal sites are in a zone of high flood risk. However, it confirmed at the Hearing that this was not the case, and it was not pursuing the matter. I see no reason to disagree.
6. The two proposals are for different appeal sites within an established Gypsy and Traveller site which has nine authorised pitches² as well as four temporary pitches³. In addition, I saw at my site visit a number of unauthorised pitches including six which are the subject of appeals under my consideration⁴ heard at a Hearing on 10 January 2024 and these will be dealt with in a separate decision.
7. The Council has refused the two planning applications the subject of this appeal for the same reasons. I have therefore addressed both appeals in one decision as most of the issues are the same for both appeals. I have considered the appeal sites on their own merits and only considered the cumulative impact in association with each other and with those pitches which are authorised on a permanent basis. That is except for the six pitches which I have considered in a separate Hearing, and which are located in between the two sites the subject of these appeals. The appellant conceded at the Hearing it would be appropriate to include these in my consideration.
8. It was confirmed at the Hearing that the appellants and their families had been living at the appeal sites for some time. It was clear at my site visit that the pitches had already been provided. However, the layout of each is different to how the proposal is shown on the submitted layout plans, in terms of the location of the mobile homes and the provision of amenity buildings. The development is still essentially a proposal in the sense that it is far from being completed. What is for my consideration is as shown on the submitted plans and not any alternative development which has, or has alleged, to have taken place. Accordingly, I have considered the appeals on this basis.

Main Issues

9. The appeal sites are located within the Green Belt and the parties agree that by virtue of paragraph 16 of the PPTS the proposals would be inappropriate development. I concur and the proposal would conflict with the PPTS in this regard. In that context, the main issues for both appeals are:

¹ *Smith v SSLUHC & Ors [2022] EWCA (the Lisa Smith judgement)*

² APP/W0530/08/2067087 & APP/W0530/W/17/3183666

³ APP/W0530/23/3317545 (the 2023 decision)

⁴ APP/W0530/W/23/3318839, APP/W0530/W/23/3318840, APP/W0530/W/23/3318842, APP/W0530/W/23/3318843, APP/W0530/W/23/3318844 & APP/W0530/W/23/3318845

- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the purposes of including land within the Green Belt;
- The effect of the proposal on the character and appearance of the area;
- Whether the proposal complies with the requirements of Policy H/22 of the South Cambridgeshire Local Plan 2018; and
- Would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness and Purposes

10. The parties agree that the appeal sites were relatively open and being used for the storage of wood before works occurred. The proposals would see the siting of up to 18 caravans and 9 amenity buildings which would have a spatial and visual impact on openness.
11. However, I saw at my site visit that, due to local topography and the presence of dense field hedgerows, visibility into the site from public vantage points is minimal. Therefore in my view the impact on visual openness is only limited and localised.
12. The caravans and buildings would be single storey with a modest mass within large plots with space around the structures. Nevertheless, they, with the associated hardstanding covering most of the plots, would lead to a loss of spatial openness which would have a significant adverse effect on openness. Furthermore, due to the extent of the plots, they would encroach into the countryside.
13. Consequently, there would be conflict with Policy NH/8 of the South Cambridgeshire Local Plan 2018 (Local Plan) which requires development in the Green Belt not to have an adverse effect on openness. The proposals would also be contrary to the fundamental aim of Green Belt policy, contained in the Framework, to prevent urban sprawl by keeping land permanently open and one of the purposes to assist in safeguarding the countryside from encroachment. The parties agree that the proposals would not conflict with any of the other purposes of the Green Belt.

Character and appearance

14. The wider area within which the appeal sites are located is largely open fields with well-defined boundaries comprising hedgerows and trees. Since at least 2008, when planning permission was granted for 6 of the authorised pitches, there have been caravans on the site and these form part of the established character laid out in an L shape around access roads and comprising caravans, amenity buildings and surface storage on hardstanding.
15. The two proposals would be viewed as an extension of the authorised site by infilling an area within the existing L shape being development of a similar character and appearance. While they would increase the developed area leading to a loss of open field, the proposals, both themselves and together

with the existing permanent authorised and unauthorised pitches, would not breach the existing field line maintaining the integrity of the field structure. Furthermore, either in isolation or cumulatively, they would not be visible from public vantage points due to the existing landscape screening. I appreciate that a substantial belt of trees to the west has been removed. However, any views to the appeal sites from this location would be screened by the existing authorised pitches.

16. Some planting could help effectively integrate the additional plots within these two appeal sites. However, the containment of the site in the context of the authorised development means that that it would only be the loss of part of the open field that would lead to minor harm to the character and appearance of the area whether considered in isolation or cumulatively. However, this would result in the proposals not preserving or enhancing the character of the local rural area as required by Policy HQ/1 of the Local Plan. Furthermore, they would have an adverse effect on the rural character of the Green Belt contrary to Policy NH/8 of the Local Plan.
17. The Council also refers to Policy NH/9 of the Local Plan. However, this refers to the redevelopment of previously developed sites and infilling of the Green Belt, as defined by the Policy, neither of which is the case here.
18. I realise that I have found a different level of harm to that of the Inspector in the 2023 decision. However, that decision was in respect of pitches which are set apart from the authorised pitches with no direct relationship with them which is different to those proposed in the two appeals before me now.

Policy H/22

19. Policy H/22 of the Local Plan is regarding proposals for Gypsies and Traveller sites on unallocated land outside of development frameworks. It states that Planning permission will only be granted outside development frameworks and the Green Belt where it meets a number of criteria.
20. Sites within the Green Belt would need to comply with local and national policy and if considered acceptable would also need to comply with the criteria in the Policy. The Council agrees that the proposals meet criterion a regarding the need for the site and the lack of alternative sites. Although not contained in the Council's reason for refusal, in its statement of case it alleges conflict with criteria b, c, d, f and g. It reiterated this stance at the Hearing; therefore I have considered each in turn.

Accessibility (b)

21. The appeal sites are close to the settlements of Histon and Cottenham which have a range of services and facilities providing for the day to day needs of residents. There is a bus service which would give access to the settlements from a bus stop close to the appeal sites. The Council's primary concern is the lack of streetlighting along the footway which leads from the appeal sites to the villages. It is true this would make the journey on foot or cycle uninviting in the dark. However, I am also mindful that Policy C of the PPTS recognises that sites may need to be located in rural areas and the countryside. In addition, the occupants would, by definition, travel by caravan pulled by a vehicle. Although in the open countryside, this site is only a very short car journey to

Histon and Cottenham. I am satisfied therefore that there is no conflict with this criterion.

Pressure on services and facilities (c)

22. No evidence was presented by the Council to suggest that local services are under pressure. I am aware that the residents have been on site for a number of years and are registered with local health facilities. Furthermore, the majority of the children are home schooled. On the evidence before me therefore there is nothing substantive to indicate that the needs of residents could not be met appropriately by local facilities and services.

Number and nature of pitches (d)

23. I consider that the number and nature of the pitches is appropriate to the site size and location given my findings above regarding the character and appearance of the area. The consideration of whether it is inappropriate with respect to the Green Belt designation is a separate matter. To say that the pitches are not appropriate because the development is inappropriate in the Green Belt, as the Council does in its officer report, would mean that this criterion could never be met by such development in the Green Belt.

Domination of nearest settled community (f)

24. I saw that Histon and Cottenham are large villages. In comparison, the cumulative size of the Gypsy and Traveller site, including these appeal sites and those others for my consideration, is negligible in this context, and it is located a reasonable distance from the settlements to ensure that there would be no dominance. In addition, I have seen no substantive evidence that the everyday needs of the residents would be at a level that would swamp local services and facilities. I am satisfied therefore that this criterion is met.
25. The Council suggested that this criterion is similar to criterion (g) regarding the unacceptable adverse impact on the countryside and landscape character. However, in my view these two elements are separate considerations, one regarding the relationship with surrounding settled communities (f) and the other the impact on the character and appearance (g).

Countryside and landscape character (g)

26. I have already found that the proposal will only have a minor harmful effect on the character and appearance of the area due to the loss of an open field. This would not be to such an extent to have an unacceptable adverse impact on the countryside and landscape character which policy H/22 seeks to avoid.
27. Therefore, for the reasons above I conclude that the proposals meet all the criteria of Policy H/22.

Other Considerations

Need for pitches

28. The parties agree in the Statement of Common Ground (SOCG) that there is a total need for 149 permanent pitches based on the Council's Gypsy and Traveller Accommodation Assessment completed in 2016 (GTAA) taking into account the Lisa Smith judgement and the change in definition of Gypsies and

Travellers in the PPTS. The GTAA identified only 29 vacant pitches at that time which leaves a considerable unmet need to which I give substantial weight.

Alternative sites

29. The Council also do not dispute that there are no vacant pitches on existing lawful sites. Furthermore, there are no allocated sites in South Cambridgeshire. This is reiterated in correspondence from the Gypsy and Traveller Liaison Officer (GTLO) stating that in the last seven years only 2 pitches have become available on the Council owned sites with 40-50 applications being made per pitch. It is apparent therefore that there is a lack of alternative sites.
30. The Council stated at the Hearing that the timescale for the emerging local plan would be adoption in 2025 but that was not guaranteed. It would be likely to make allocations in accordance with a new GTAA which has been commissioned. However, this is sometime in the future, and I give the lack of suitable and available alternative sites considerable weight.
31. Whilst this is a case of intentional unauthorised development, given the lack of alternative pitches I give this minor weight.

Personal circumstances

32. The occupiers of the site, which are part of the extended family group of existing residents would be as follows:

Appeal A

- Nathan Bowers and Leila Boswell and their two resident dependents
- John and Christine Price with four resident dependents
- Chasey Price
- Chasey (Junior) and Ocean Price with their two resident dependents
- Harry and Emma Price with their three resident dependents
- Danny and Nealy Price

Appeal B

- Alfie and Joleen Price with their five resident dependents
 - Bill and Josephine Price with their resident dependent
 - William and Lorna Price with four resident dependents
33. The residents confirmed at the Hearing that all the economically active members of the family travel all over the country for gardening work for 4-6 months of the year as well as attending Appleby Horse Fair. Others have ceased to travel due to ill health or remain at the site to look after children and other members of the family with health needs. The Council confirmed at the Hearing it is satisfied that all met the definition of Gypsy and Travellers in the PPTS, and I see no reason to disagree.
34. I was presented with evidence regarding medical conditions for two of the residents living on pitches included in Appeal A which required them to have regular GP and hospital appointments. All residents though are registered with

local health facilities. A settled base would ensure continuing access to GP and hospital facilities. I therefore give significant weight to the identified health needs of the residents.

35. Much emphasis is placed on the need for the extended family to be together to provide mutual support. The GTLO reports that the Moor Drove site is well established and the residents settled. The majority are from the extended family of the Prices. The family members rely on each other for support, childminding, health needs and employment. There is a very positive family dynamic. There are complex and extensive personal circumstances which means the residents rely on each other for support. This is not disputed and matches the compelling evidence I saw and heard.
36. It was also confirmed at the Hearing that the nine children of school age across the two appeal sites are home schooled under the supervision of the GTLO and have been for a number of years. There is nothing to suggest that such home schooling could not occur on any site in another location, notwithstanding there is a lack of alternative sites. However, the children have been receiving the schooling for a while and the evidence suggests that there is a good and effective relationship with the GTLO.
37. 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 children's best interests are a primary consideration. The best interests of the children would be served by the families continuing to reside at their long-established home and business base. Their needs are being met presently at this base. Should the appeal be dismissed, and the families required to vacate the site, they would be forced to either lead a roadside existence or double-up on pitches elsewhere. This would inevitably impact negatively on the children's education and wellbeing. In addition the loss of the mutual support provided by the extended family would also have a negative impact on the children's wellbeing. The best interests of the children is a factor that attracts significant weight.

Other Matters

38. The Council refers to Policies H/20 and H/21 of the Local Plan in its first reason for refusal. However, Policy H/20 allows for the safeguarding of sites with unrestricted planning permission for Gypsies and Travellers. The proposal would not conflict with that requirement. Policy H/21 states that if a need is identified for sites, then they will be sought as part of large scale new communities and significant major development sites. While the proposals before me would form an extension to a standalone site, I was not advised of any opportunity for sites as proposed under this policy to meet the identified need. Therefore neither policy has been determinative.

Whether the harm is clearly outweighed by other considerations

39. I have found that the development is inappropriate within the Green Belt and causes significant adverse harm to the openness and purposes of the Green Belt. These attract substantial weight. The development is also a case of intentional unauthorised development. However, given the circumstances I outline above this carries minor weight. The proposals would also cause minor harm to the character and appearance of the area which carries minor weight.

40. Set against this, I have found that there continues to be an unmet need within the District. In addition, the Council is unable to demonstrate an adequate supply and there are no alternative or available sites for the appellant and their family to move to. It is uncertain when any would be available in the future. Furthermore, it would be in the best interests of the children to remain on the appeal site. Moreover, the mutually supportive nature of the family relationships with existing families on the site both in terms of the health care and the needs of the children adds considerable weight.
41. I have had regard to the PPTS that states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances. The site would be occupied by a number of children having regard to Article 8 of the European Convention on Human Rights. If the appeals were to be dismissed then the families would revert to a roadside existence, where it would be difficult for the children to access facilities and support. I consider the best interest of the children would be to remain on the sites with access to educational and health facilities as well as support from extended family. This would provide a safe and secure base to access facilities, which, due to a lack of alternative sites, is not available elsewhere.
42. Therefore, in this instance, the matters I have identified above together, including the best interests of the child in both appeals, carry very great weight such that they clearly outweigh the harm to the Green Belt and other harm. Looking at the cases as a whole, I consider that very special circumstances exist which justify the development. As such there would be no conflict with the requirements of the Framework.
43. As the proposals would meet Green Belt policy, then the requirements of Policy H/22 are met and there would be no conflict in this respect. However, there would still be conflict with policies NH/8 and HQ1 of the Local Plan drawing them into conflict with the development plan as a whole. However, the material considerations I outline above, including the Framework, are sufficient to outweigh that conflict in this instance.

Conditions

44. The Council suggested three conditions for both appeals prior to the Hearing, however additional conditions were discussed at the Hearing. I have had regard to those conditions and considered them against the tests in the Framework and the advice in the Planning Practise Guidance (PPG), making such amendments as necessary to comply with those documents.
45. A condition restricting the development to be carried out in accordance with the approved plans is necessary to provide certainty. As the development has commenced on both appeals then a condition giving a timescale for commencement is not necessary.
46. There is justification for the sites to be occupied by Gypsies and Travellers to safeguard the supply of the sites for this purpose and as such a condition is necessary to restrict occupation. A personal condition is also necessary as although there is an outstanding need for Gypsy and Traveller pitches, the justification for the pitches being in this Green Belt location relates to the personal circumstances of the appellants and the particular relationships with the residents of the authorised pitches.

47. It is necessary to restrict the number of pitches and caravans to protect the character and appearance of the area. It is also reasonable to impose a condition to ensure that commercial activities do not take place on the sites and no vehicle over 3.5 tonnes is stationed, parked or stored on the sites to protect the character of the area and residents' living conditions.
48. Although I have considered the development on the basis of the submitted plans, a condition is imposed to ensure that details of the internal layout of the sites, means of foul and surface water drainage, external lighting and hard and soft landscaping are submitted, implemented and maintained to give the Council certainty as to how the development is implemented on the sites in an acceptable way and within a timely manner. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the matters outlined in this condition before the development commences. The condition will ensure that the development can be enforced against if the details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.
49. The Council has requested a condition restricting the use of the appeal site for five years as per the most recent appeal decision. However, as I have explained, that appeal site has a different relationship to the authorised pitches to those I am considering now and therefore there is no need for a temporary consent.

Conclusion

50. For the reasons given above I conclude that the appeals should be allowed.

Zoe Raygen

INSPECTOR

APPEARANCES FOR BOTH APPEALS

FOR THE LOCAL PLANNING AUTHORITY

Dean Scrivenor	Principal Planning Officer, South Cambridgeshire District Council
Phoebe Carter	Senior Planning Officer, South Cambridgeshire District Council
Amy Stocks	Senior Planning Officer, South Cambridgeshire District Council
Jake Thomas Mansfield	Apprentice Planning Officer, South Cambridgeshire District Council

FOR THE APPELLANTS

Phillip Brown	Planning Consultant
Sharon Price	Appellants' relative
Nathan Bowers	Appellant
John Price	Appellant
Chasey Price	Appellant
Chasey (Junior) Price	Appellant
Harry Price	Appellant
Danny Price	Appellant
Alfie Price	Appellant
William Price	Appellant

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Medical information regarding resident on Appeal A

CONDITIONS APPEAL A

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, amenity building elevations, post and rail fence, screen fence (PBA4) and a site layout plan.
- 2) 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.
- 3) There shall be no more than six pitches on the site and on these pitches hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Nathan Bowers and Leila Boswell and their resident dependents; John Price and Christine Price and their resident dependents; Chasey Price; Chasey (junior) Price and Ocean Price and their resident dependents; Harry Price, and Emma Price and their resident dependents; Danny Price and Nealy Price.
- 5) 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 within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial 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 this site.

CONDITIONS APPEAL B

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, site layout plan, post and rail fence, proposed amenity block, PBA4.
- 2) 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.
- 3) There shall be no more than three pitches on the site and on these pitches hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Alfie Price and Joleen Price and their resident dependents; Bill Price and Josephine Price and their resident dependent, William Price and Lorna Price and their resident dependents.
- 5) 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 within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 - 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 - 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of

landscape maintenance for a period of 5 years following initial planting;

3. the means of foul and surface water drainage of the site; and

4. a timetable for the implementation for the Site Development Scheme.

ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

6) No commercial 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 this site.

*****END OF CONDITIONS*****