



Appeal Decision

Site visit made on 16 January 2024

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2024

Appeal Ref: APP/J1860/W/23/3316818

Orchard View, Broadwas WR6 5NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr D Smith against Malvern Hills District Council.
 - The application Ref M/22/01157/FUL, is dated 27 July 2022.
 - The development proposed is the material change in use of land for siting of 2 Traveller caravans (static) for residential occupation with facilitating development (hard standing, fencing, cess tank, day room) and keeping of horses.
-

Decision

1. The appeal is allowed and planning permission is granted for the material change in use of land for siting of 2 Traveller caravans (static) for residential occupation with facilitating development (hard standing, fencing, cess tank, day room) and keeping of horses at Orchard View, Broadwas WR6 5NH in accordance with the terms of the application, Ref M/22/01157/FUL, dated 27 July 2022, and subject to the attached schedule of conditions.

Preliminary Matters

2. The evidence indicates that the use of the land as a gypsy and traveller site has commenced and I saw at my site visit that touring caravans were stationed on the site. The hardstanding in relation to the access and the fencing along the road frontage have been completed, although the static caravans have not been stationed on the site and the day room which forms part of the proposal has not been built. Key elements of the scheme have, therefore, not been undertaken and I will consider the proposal based on the development as proposed in the application and appeal submissions.
3. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. On the same day, a revision to the definition of a gypsy and traveller, as set out in Annex 1 of the Glossary of the Planning Policy for Traveller Sites (the PPTS), was also published. I gave the main parties the opportunity to comment on any implications of the revised Framework and the PPTS, and I have taken these comments into account in my considerations.
4. The evidence is not disputed that the appellant, who would occupy one of the static caravans with his wife and children, and his father and mother who would occupy the other static caravan, all comply with the definition of a gypsy and traveller in the PPTS.
5. The appeal is made against the failure of the Council to reach a decision within the prescribed period. The Council has confirmed that, had it made a decision,

the application would have been refused for four reasons. These putative reasons form the main issues in this appeal and are set out below.

Main Issues

6. The main issues are:

- whether or not the development plan, Framework and PPTS would support the proposal in this location, including having regard to the ability to access services and facilities by a range of transport modes,
- the effect of the development on the character and appearance of the area,
- whether or not the proposal would provide satisfactory living conditions for occupants of the site, and
- whether or not the proposal would be acceptable in relation to highway safety.

Reasons

Location

7. Policy SWDP17 of the South Worcestershire Development Plan (adopted February 2016) (the South Worcestershire DP) sets out the approach to the consideration of proposals for travellers and travelling showpeople. It includes 11 criteria against which schemes are to be assessed. Criterion C.i provides a locational test for such sites and this is whether the site is within, or on the edge of, a town or Category 1, 2 or 3 settlement.
8. Policy SWDP2 of the South Worcestershire DP establishes the development strategy and settlement hierarchy for the plan area. The policy lists the types of settlements that make up the hierarchy, ranging from urban city areas to lower category villages. In terms of the issues in this appeal, Broadwas is identified as a Category 2 village.
9. The PPTS policy approach for the location of traveller sites advises that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. This reflects that gypsy and traveller sites can be found in rural areas and, by implication, seeks to direct the provision of new sites to locations that are not away from existing settlements.
10. Broadwas is a village that includes a primary school, church, public house and recreation ground. It has a built core centred around these facilities. There is a spread of other development, mainly housing, that extends particularly to the very broadly east. This includes dwellings dotted along the Butts Bank road towards and including those at Little Green. The pattern of development in the wider area is, therefore, quite dispersed outside the main core of Broadwas.
11. In this case, the appeal site is a section of previous paddock land adjoining the A44. There are some residential properties along parts of this section of the A44, although limited in number, and some of the dwellings along the ridge road are perceptible and extend further to the broadly east from the centre of Broadwas than the appeal site.
12. The Council in the putative reason for refusal comment that the site would be close to the village of Broadwas and, in its appeal statement, that the actual

site is located at the far edge of the village approximately 285 metres from the settlement edge¹. Given the dispersed nature of the pattern of development I agree with the Council that the appeal site should be considered at the far edge of the village and that it is close to the village. In terms of the approach of the PPTS it should not be considered to be away from the existing settlement of Broadwas and, therefore, has a compliant location in this respect.

13. Furthermore, having regard to the position of the development boundary shown in the Broadwas and Cotheridge Neighbourhood Development Plan 2018-2030 (the NDP), and given the nature, requirements and occupation of gypsy and traveller sites and the general pattern of development in the locality, this site should be considered to be sufficiently well related and close to the settlement boundary to meet the locational test in Policy SWDP17 of the South Worcestershire DP. In terms of this policy test, I judge that the site is on the edge of this Category 2 village and, therefore, the location of the site is policy compliant.
14. Policy SWDP2 of the South Worcestershire DP and Policy P2 of NDP include categories of development that can be acceptable in the countryside and gypsy and traveller sites are not listed as one of these categories. However, despite these policies, the PPTS and Policy SWDP17 (criterion C.i) can allow such sites to be located outside a settlement and, therefore, in the countryside. In these circumstances, I give greatest weight to the approach and need to comply with the specific gypsy and traveller policy in the South Worcestershire DP, rather than the general policies concerning development outside the defined settlements.
15. The first putative reason for refusal also argues that there is an inability of occupants to access services and facilities by a range of transport modes. In this case, the site is close to a Category 2 village with its range of services and facilities. It would be possible to walk from the site to the village via the public footpath and then along the verge within the 30mph speed limit area, although given the road conditions and lack of footway this would not be an attractive option despite the modest distance. Cycling would be possible but the road is quite busy and therefore the use of the bicycle is likely to be limited for most people. In all likelihood, the private vehicle would be the predominant mode of transport for all occupants of the site, although journeys to Broadwas would be very short.
16. The Council's statement explains more generally the distances to services and facilities, such as health services, and I consider that these distances are reasonably modest. The evidence indicates that there is a public bus service from Broadwas, although access from the site to the bus stops would involve the unattractive walking route along the footpath and verge. Nevertheless, with the local services in Broadwas itself, and the often need to travel by car in rural areas for higher level services and facilities, such as secondary schools and supermarkets, I am satisfied that the site has reasonable access to a range of services and facilities, albeit by car, such that the requirements of criterion C.x of Policy SWDP17 would be met.
17. I am also conscious that the sustainability of a site is not just about the consideration of distances to services and facilities. When the PPTS addresses sustainability in paragraph 13 it does not mention reducing travel by the

¹ Paragraph 4.4 of the Council's appeal statement.

private vehicle, but highlights the benefits that a settled base can reduce the need for long-distance travelling, that some travellers live and work from the same site thereby omitting work journeys and that a settled base provides easier access to health and education.

18. The Council in its statement accept that having regard to the gypsy/traveller lifestyle, the appeal site has reasonable access to necessary amenities, services and facilities, albeit via the private motor car². I do not consider the site remote or inaccessible, and while the dependence on the private vehicle is very likely, I am satisfied that the requirements of Policy SWDP17 of the South Worcestershire DP, in terms of the location of a gypsy and traveller site, are met. There would not be a material conflict in terms of the Framework approach to the location of development and related accessibility within rural areas, having regard to the particular position of the site in relation to Broadwas and the gypsy and traveller way of life.
19. Drawing these matters together, I conclude that the use of the land as a gypsy and traveller site, notwithstanding the likely dependence of occupants on the private vehicle, is located where it is supported by the development plan and the PPTS. In particular, the location of the site complies with the relevant policy criterion in Policy SWDP17 of the South Worcestershire DP. Because of this compliance, the use of the site either accords with, or the compliance with Policy SWDP17 outweighs any policy conflict with, the relevant elements in Policies SWDP1, SWDP2 and SWDP4 of the South Worcestershire Local Plan which, set the overall framework for the location of development across the plan area.

Character and appearance

20. There are extensive and open views, including from parts of the ridge along Butts Bank and from sections of the A44, out to the broadly south over the lowland areas towards the River Teme and beyond to the Malvern Hills. The landscape is rural and expansive, with tree lined and hedged field boundaries.
21. The NDP refers to the extensive views across the Teme Valley to the Malvern Hills from the A44, and Policy 5 identifies Key Views in the area. For development to be supported, proposals must demonstrate that they are sited, designed and of a scale such that they do not substantially harm the Key Views identified in the NDP. In terms of specific gypsy policy in the South Worcestershire DP, Policy SWDP17, the test in criterion C.v is whether any significant visual impact on the landscape can be mitigated.
22. The site lies adjoining the A44 within a stretch of land that includes equestrian paddocks and open arable land. The appeal site is set down from the level of the road and a fence has been erected along the frontage. The fence adds some level of urbanisation to this part of the road, although it is constructed from the lower level of the site and the cut down section of the hedge, to some limited extent, screens the lowest parts of the fence. The fence helps to partially screen, from the road, parts of the site and accompanying domestic paraphernalia, such as play areas and vehicle parking.
23. I saw at my site visit that a hedge and trees had been planted behind the fence and, in time, this planting would likely be visible above the fence and would

² Paragraph 4.13 of the Council's appeal statement.

help to soften the frontage. Nevertheless, the upper sections of the day room and the static mobile homes would be likely to be visible above the fence and probably above the hedge, depending on the hedge height in the future. However, gypsy sites are often found in rural areas, and this site would be experienced in the general and wider context of the village, residential properties along the road, those on the ridge and other buildings in the fields to the general east. When travelling along the road, the effect of the site in its proposed form would be transitory and would engender a modest change to views and openness given the length of this section of the road compared to the extent of the appeal site.

24. The vehicular access and the immediately surrounding fencing in this area has a somewhat harsh visual impact as there is little or no vegetation to soften its impact. This section of the site is also next to the public footpath. However, with a suitable landscaping scheme as part of any approval, some planting against and in front of the fence would be achievable and this would assist to mitigate to a satisfactory level its visual effect. In the circumstances of this site adjoining the road, and with additional landscaping to mitigate the area of fencing around the access, I do not consider that the fencing would give the impression that the site and its occupants were deliberately isolated from the rest of the community.
25. In terms of other aspects of the proposal, the existing paddock at the rear of the site is an appropriate land use and is not out of character with the area given the fairly extensive equestrian use of the land to the east.
26. The site is visible from properties along sections of the ridge to the broadly north and I viewed the site from Sunnybank at my site visit. From the terrace of Sunnybank, the appeal site is partially screened by trees within the garden of this particular property, and with the appeal site being on a lower level and close to the road, it does not, and would not in its proposed form, unduly impose on the longer distance and characteristic views of the wider Teme Valley.
27. In terms of effect from Key View 3 as identified in the NDP, and referenced in the putative reason for refusal, I viewed the landscape from this position at my site visit. I agree with the Council that the views across the River Teme Valley to the Malvern Hills from Key View 3 would not actually be obstructed by the site³, although the site would be within a line of sight in the periphery. The effect of the use of the site and its related character and appearance would not especially impact on the area from this view point and would not cause the substantial harm to the Key View that would be required to conflict with the requirements of Policy P5 of the NDP.
28. To summarise, there is, and would be in its proposed form, some localised and limited harm from the proposal when viewed from the immediate area along the A44. This would be at a level that should not be considered to be a significant visual impact as referenced in criterion C.v of Policy SWDP17 of the South Worcestershire DP. In any case, this impact could be mitigated to an acceptable extent, in time, by landscaping within the site and in the vicinity of the vehicular access.

³ Paragraph 4.43 of the Council's appeal statement.

29. In the light of the above analysis, I conclude that the proposal, with an appropriate landscaping scheme, would not unduly harm the character and appearance of the area. As a consequence, the proposal would not conflict with the related requirements of Policies SWDP17 of the South Worcestershire DP and Policy P5 and the Objective 1 of the NDP to protect the rural character of the Parish.

Living conditions

30. The site lies in proximity to the A44, a busy road, and because of the need to ensure that the accommodation is outside the areas of high risk from flooding, the static caravans and day room are proposed to be located close to the fence that bounds the highway.
31. The evidence explains that the present occupants have not had settled accommodation in the past, and have at times had a road side existence and stayed in car parks. While this site, in all likelihood, provides much better accommodation, it is still necessary to ensure that the quality of the accommodation on this site would be to an acceptable standard.
32. The site incorporates a good sized external and landscaped space that would provide an adequate amenity area for occupants, including play space for children. Within this external area the noise from passing traffic is apparent, but the site is partially screened by the fence and the use and enjoyment of the garden is not especially compromised by the traffic on the adjoining road.
33. The day room would be built to the appropriate standards and would have no openings facing the road. While close to the road, this accommodation would provide an appropriate day room facility for occupants of the site and because of its structure, orientation and purpose would mitigate against the effects of road noise or vibration of passing vehicles.
34. The two static caravans would be used, particularly for overnight sleeping accommodation. At night it is important that noise levels were satisfactory to ensure sleep was not unduly interrupted. The site has been occupied since February 2023 and the evidence from the appellant is that the road has not led to an unacceptable environment when occupying the touring caravans.
35. At night it is likely that there would be less traffic and, therefore, less associated road noise and any related disturbance. While the road is a busy classified carriageway, the proposed arrangement of the static caravans with them set down from the road, positioned close behind the fence with the associated benefits of the fence in reflecting and diffracting some of the road noise, should for occupants within the structure of the mobile home, not unduly affect their living conditions. I am satisfied that the road conditions, based on the evidence before me and my site visit, would not unduly affect the living conditions of occupants of the site and, in particular, it would provide within the static caravans an acceptable living environment.
36. In conclusion, I am satisfied that the arrangement of the static caravans and day room, and the use of the external space, would provide suitable and acceptable living conditions for occupants of the site. The scheme would therefore comply with the relevant requirements of Policies SWDP17 and SWDP31 of the South Worcestershire DP which, in this respect, requires

development proposals must be designed in order to avoid any significant adverse impacts from pollution on human health and wellbeing.

Highway safety

37. The appeal site has a direct vehicular access onto the A44, which has a 60mph speed limit in this area. The speed limit drops to 30mph to the broadly south west as the road passes through the centre of the village.
38. A sight line of 192m can be achieved from the access to the south west and this is agreed to be acceptable for the speed of approaching traffic. I have found no reason to disagree. Following the cutting down of the vegetation on the highway verge across the frontage of the site, the sight line from the access provides visibility of approaching traffic from the north east of 115m.
39. The appellant has submitted details from highway consultants who undertook a 7-day speed survey and traffic count at two locations within the road in the immediate vicinity of the existing access. The accompanying report set out the vehicle speed data and analysis. For vehicles travelling from the north east the 85th percentile speed was 51mph. This requires an absolute minimum sight line of 119m compared with the 115m that is achievable. The County Highway Authority analysed the appellant's highway report and, while noting the shortfall of 4m, resolved to raise no objection, commenting that the shortfall was considered to be *de minimis*. The technical submissions from the appellant comment that the data available for this immediate area indicates that there have been no personal injury collisions in the vicinity of this access point over the past 10 years, although there is information concerning accidents along the wider A44, and local residents highlight and refer to accidents along this part of the road.
40. Subsequently, it appears because of concerns regarding the conditions in which the speed survey was undertaken, including that there was mud on the road signs in the vicinity of the access, the Highway Authority undertook its own speed survey. This resulted in an 85th percentile speed of approaching traffic of 52mph from the north east. The Highway Authority advised that this required a sight line of 122m, a shortfall of 7m, and this resulted in an objection on highway safety grounds.
41. At the appeal stage the appellant engaged his highway consultants to undertake a further speed survey. This was undertaken during a 2 day period and again a report was presented which detailed all the readings and related analysis. These survey results showed, at that survey time, that the 85th percentile traffic speed approaching from the north east was 47.6mph. The evidence is that this equates to an absolute minimum visibility distance of 106m in that direction. The visibility distance across the site of 115m would, therefore, be acceptable with this speed of traffic.
42. The appellant has detailed that information has been sought on a number of occasions from the Highway Authority regarding the background to its speed survey. Subsequently, the Council has confirmed that the survey was undertaken by Worcestershire County Council and was carried out using inductive detector loops over a 3 day period in February 2023. However, no further information has been provided, including the position on the A44 the readings were taken, the precise days, and the supporting data and analysis, whereas the appellant through his highway consultants included these details.

While local residents have raised concerns with the appellant's data, it has, nevertheless, been undertaken by professional highway consultants and the reports are detailed and I consider robust. There are three speed surveys and differing results, although the first two produce similar 85th percentile speeds and the third survey a lower speed.

43. I consider that the appellant's highway evidence is to be preferred because of the supporting information and analysis. In these circumstances, the original report and the accompanying recommendation of no objection from the County Highway Authority is a matter that I consider should have the greatest weight in the analysis. Based on this situation, I am satisfied that the sight line to the north east from the access is satisfactory to accommodate the level of traffic which would result from this site. This judgement is reinforced by the subsequent highway report from the appellant which showed the lower 85th percentile speed of traffic coming from that direction and which is such that the sight line would meet the required distance.
44. I have carefully considered all the comments from local residents and the Parish Council, in addition to those of the Highway Authority. However, having regard to the level of additional traffic that the gypsy and traveller site would generate, I am satisfied that the development would, on the balance of all the information, provide a safe and suitable vehicular access. The scheme as proposed would, therefore, accord with the requirements of the Framework as there would not be an unacceptable impact on highway safety. It follows in these respects that there would be no conflict with Policies SWDP4, SWDP17 and SWDP21 of the South Worcestershire DP which require, amongst other things, that gypsy and traveller sites should have a safe and convenient access to the highway network.

Other Matters

45. There has been considerable objections to the proposal from local residents and the Broadwas and Cotheridge Parish Council. I have taken into account all the comments which have been made at both the application and appeal stages, and examined key issues raised under the main issues above.
46. In terms of other issues, parts of the site and the adjoining land to the south fall within land liable to flood and photographic evidence has been submitted which shows considerable flood waters across the Teme Valley area. Parts of the appeal site have flooded in the past and will likely flood in the future. However, the two static caravans and day room would be located within the zone of lowest flood risk and there is no objection from the Council or the Environment Agency in relation to the location of the accommodation and its flood risk. The scheme would accord with the approach to the location of development and flood risk as set out in the Framework and, while I have taken all the concerns of local residents and the Parish Council into account, there is no substantive evidence or technical reason that leads me to conclude other than that the scheme would be acceptable in relation to flood risk. Consequently, there would be no conflict with the criterion in Policy SWDP17 of the South Worcestershire DP that concerns flood risk and the location of development.
47. At my site visit, as I have explained, I viewed the appeal site from Sunnybank, the nearest residential property. This dwelling is located on the other side of the road and in an elevated position. There are views down towards the appeal

site, and the existing accommodation, the related vehicles and activity are, and would be with the proposed layout of caravans and day room, discernible through the vegetation. However, the separation and the nature of the residential activity on the appeal site, including any external lighting, is such that, once in the form as proposed, would in my judgement, not unduly affect the living conditions of this neighbour or others in the area.

48. The representations explain that the ownership of the appeal land has changed during the processing of the past applications and this second proposal seeks two static caravans rather than the previous four. Although there are presently four occupied touring caravans on the site, I am required to determine the application based on the proposal before me and this shows two static caravans and a day room for consideration.
49. The front hedge has been severely cut back to provide visibility across the frontage of the site and the fence erected behind it on the lower ground level. This hedge work had the potential to affect biodiversity although I have no detailed information on this matter and there is no clear evidence that any protected species have been affected. Trees have been retained within the site and there is the opportunity with a suitable landscaping scheme to increase the biodiversity value of the land as a whole.
50. Concerns are raised that the scheme would affect archaeology. However, there has and would be minimal ground works and there is no convincing evidence that the site is important for archaeology and that any form of watching brief is required in any approval.
51. In terms of sewage disposal, the application form indicates that this would be in the form of a septic tank, although the description of development says cess tank. Sewage disposal should be the subject of a planning condition in any approval to ensure that this matter has been appropriately detailed, would be fit for purpose and located so as compatible with the flood risk status of that part of the site.

Planning Balance

52. I have found that, in respect of the specific policy that covers gypsy and traveller sites, Policy SWDP17 of the South Worcestershire DP, that the proposal would be suitably located in terms of relationship to a settlement and access to services and facilities. The appeal scheme would not conflict with the policy element that concerns the visual impact on the landscape, would provide satisfactory living conditions, be acceptable in relation to flood risk and would provide a safe and suitable access onto the highway.
53. In terms of the other key requirements of Policy SWDP17, the site would not be located within an international or national planning designation, would not have any significant impact on a local plan designation such as Conservation Areas and Significant Gaps, and would not have a significant impact on the privacy and residential amenity of neighbouring properties. The provision of two static caravans and a day room would be suitable for the size of the site and be of an appropriate scale for the location. I have found no reason to believe that the provision of a suitable water supply, mains electricity and other services could not be connected to the site. Foul and surface water disposal should be able to be appropriately addressed through suitable technical submissions.

54. Taking all these matters together, I conclude that the appeal proposal would comply with the requirements for a gypsy and traveller site as set out in Policy SWDP17 of the South Worcestershire DP. This is a matter of considerable importance and weight. I have not found any substantive conflict with the other policies that the Council has identified in the putative reasons for refusal, such as policies concerning landscape, design, and those in the NDP such as Policies P5 and P6. It follows from this analysis, that the proposal would comply with the development plan when considered as a whole.
55. Even if the Council's position, that it can demonstrate a five year supply of gypsy and traveller pitches, is accepted, this does not preclude the ability to provide further pitches on another site where that provision would accord with the development plan and, in particular, with Policy SWDP17 of the South Worcestershire DP.
56. In terms of the PPTS, I have concluded that the site would not be away from an existing settlement and the proposal would provide space for healthy lifestyles for the occupants. In particular, the site would provide occupants access to health care from a settled base, it would be located so as to allow integration with the rest of the community, and children would have the ability to continue to access education.
57. I appreciate that occupation of the site and various works, such as areas of hardstanding, have already taken place. It would appear that the appellant would have been aware that such occupation and works would require planning permission and this intentional unauthorised development weighs to a modest extent against the proposal.
58. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁴.
59. In this case, the scheme would comply with the policies of the development plan when considered as a whole, in particular, because of the compliance with Policy SWDP17 of the South Worcestershire DP. There are no planning considerations of such weight that would indicate that the proposal should be determined otherwise.
60. The scheme is acceptable in its own right on a straightforward planning balance. A permanent planning permission is merited and there is no need to consider a temporary or personal permission. I have, therefore, also not needed to consider the personal circumstances of the appellant, his children and other relatives who occupy the site, in terms of their human rights, the best interests of the children and the Public Sector Equality Duty. Their interests would not be adversely affected because the appeal should be allowed.

Conditions

61. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. I have amended the wording where necessary in the interests of clarity or to meet the tests in the Guidance. I have added

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

further conditions to cover important planning matters for the reasons explained.

62. The statutory time limit is not required because the use has commenced. A condition specifying the approved plans is necessary in the interests of certainty.
63. A condition is necessary to restrict occupation to gypsies and travellers to accord with the planning justification for the site. It is necessary to limit the occupation of the site to two static caravans, to restrict commercial activities and the size of vehicles so as to accord with the terms of the application, and control the activities and thereby the vehicle movements in the interests of highway safety and the visual appearance of the area.
64. Conditions are necessary to ensure that the entrance from the carriageway is surfaced in a bound material, parking and turning is provided and maintained on site, and the visibility splays are provided and maintained, in the interests of highway safety.
65. A condition is necessary for the caravans to be sited in accordance with the layout plan to protect residents from flood risk. Conditions are necessary in respect of the provision and retention of schemes for lighting, landscaping, and foul and surface water disposal, with appropriate sanctions to ensure submission and implementation as the use of the site has commenced, in the interests of the character and appearance of the area, and additionally in the case of lighting and water disposal to protect the area from pollution.
66. Conditions are necessary for details to be submitted for the finished floor levels and external materials of the day room, as these are not clearly indicated in the submissions, in the interests of the character and appearance of the area.

Conclusion

67. For the reasons given above, I conclude that the appeal should succeed and planning permission should be granted, subject to the specified conditions.

David Wyborn

INSPECTOR

Schedule of Planning Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans 0147_P_100 rev A, 0147_P_110 rev B, P1156- 01 rev C, 0147-P.300.
- 2) The residential use hereby permitted shall be restricted to the stationing of no more than 2 static caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, on the application site at any time.
- 3) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (as specified in the version updated on 19 December 2023).
- 4) Within 3 months of the date of this permission the access, parking and turning facilities shall have been provided as shown on drawing P1156-01 rev C, and thereafter those facilities shall be retained for their designated purpose.
- 5) Within 3 months of the date of this permission the first 10 metres of the access into the development, measured from the edge of the carriageway, shall have been surfaced in a bound material and thereafter a bound material shall be retained.
- 6) Within 1 month of the date of this permission the visibility splays shown on drawing P1156-01 rev C shall be provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above the adjacent carriageway.
- 7) No commercial activities shall take place on the land, including the storage of materials.
- 8) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 9) The caravans shall be sited in accordance with Plan No 0147_P_110 rev B.
- 10) 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 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for the proposed and existing external lighting on the boundary of and within the site 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 scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, no other external lights shall be erected.

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.

- 11) 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 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; 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 scheme shall have been carried out and completed in accordance with the approved timetable.

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.

- 12) At the same time as the landscaping scheme required by condition 11 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.
- 13) 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 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for the means of foul and surface water drainage of the site 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 scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, the agreed means of foul and surface water drainage shall thereafter be retained in use.

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.

- 14) No works in connection with the construction of the day room shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed day room, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 15) No works in connection with the construction of the day room shall commence until details / samples of the materials to be used in the construction of the external surfaces of the day room hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

End of Schedule.