
Appeal Decisions

Hearing Held on 9 April 2024

Site visit made on 9 April 2024

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 19 April 2024

Appeal A Ref: APP/H1840/C/22/3296827

Appeal B Ref: APP/H1840/C/22/3296828

Land known as Paddock 1, Bywater Farm, Upton Warren, Bromsgrove B61 9HD

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- Appeal A is made by Mr Leonard Butler and Appeal B By Mrs Kathleen Butler against an enforcement notice issued by Wychavon District Council.
- The enforcement notice was issued on 21 March 2022.
- The breach of planning control alleged in the notice is failure to comply with conditions Nos 1 and 2 of a planning permission Ref 15/00177/CU granted on 21 September 2016.
- The development to which the permission relates is for the change of use of one mobile home and one touring caravan for occupation by one gypsy family. The conditions in question are Nos. 1 and 2 which state that:
No 1: The use hereby permitted shall be carried on only by Mr and Mrs Leonard and Kathleen Butler and their children Megan Theresa and Steven Leonard and shall be for a limited period being the period of 6 years from 5 February 2015 (the date of the expiry of the previous permission) to 5 February 2021 or the period during which the premises are occupied by them, whichever is the shorter.
No 2 : When the premises cease to be occupied by Mr and Mrs Leonard and Kathleen Butler and their children Megan Theresa and Steven Leonard, or at the end of the specified 6 year period, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought on to the premises in connection with the use shall be removed and the land restored to its former condition.
- The requirements of the notice are:
5.1 Comply with conditions 1 and 2 of planning permission 15/00177/CU approved on 11 February 2016.
5.2 Permanently cease the use of the land for the uses approved by 15/00177/CU specifically the use of the land as occupation for one Traveller Family.
5.3 Permanently remove the mobile home, touring caravan, day room, hardstanding, boundary treatments and any domestic paraphernalia from the land edged red on the attached plan.
5.4 Restore the land to its former condition.
- The period for compliance with the requirements is 9 calendar months.
- Appeal A is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Since Appeal A has been made on ground (a) an application for planning permission is deemed to have been made under section 177(5) of the Act as amended.
- Appeal B is proceeding on the grounds set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended.

Summary Decision: Appeal A is allowed, the enforcement notice is quashed and planning permission is granted in the terms of the Formal Decision.

Summary Decision: Appeal B, I take no further action.

Appeal C Ref: APP/H1840/C/22/3296836

Appeal D Ref: APP/H1840/C/22/3296837

Land known as Paddock 1, Bywater Farm, Upton Warren, Bromsgrove B61 9HD

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- Appeal C is made by Mr Leonard Butler and Appeal D by Mrs Kathleen Butler against an enforcement notice issued by Wychavon District Council.
- The enforcement notice was issued on 21 March 2022.
- The breach of planning control as alleged in the notice is: Without planning permission, the operational development consisting of the erection of a day room approximately edged in blue on the attached plan.
- The requirements of the notice are to permanently remove the day room approximately edge blue on the attached plan and permanently remove any associated materials from the land edged red on the attached plan.
- The period for compliance with the requirements is 9 calendar months.
- Appeal C is proceeding on the grounds set out in section 174(2) (a) (b) (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been made on ground (a) an application for planning permission is deemed to have been made under section 177(5) of the Act as amended.
- Appeal D is proceeding on the grounds set out in section 174(2) (b) (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary Decision: Appeal C is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision.

Summary Decision: Appeal D is dismissed but the enforcement notice is quashed.

Appeal E Ref: APP/H1840/W/22/3297134

Land known as Paddock 1, Bywater Farm, Upton Warren, Bromsgrove B61 9HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr and Mrs Leonard Butler against the decision of Wychavon District Council.
- The application Ref 21/00259/CU, dated 31 January 2021, was refused by a notice dated 1 February 2022.
- The application sought planning permission for change of use for one mobile home and one touring caravan for occupation by one gypsy family without complying with conditions attached to planning permission Ref W/15/00177/CU granted on Appeal Ref: APP/H1850/W/15/3135053, dated 21 September 2016.
- The conditions in dispute are Nos 1 and 2 which state:
No 1: The use hereby permitted shall be carried on only by Mr and Mrs Leonard and Kathleen Butler and their children Megan Theresa and Steven Leonard and shall be for a limited period being the period of 6 years from 5 February 2015 (the date of the expiry of the previous permission) to 5 February 2021 or the period during which the premises are occupied by them, whichever is the shorter.
No 2 : When the premises cease to be occupied by Mr and Mrs Leonard and Kathleen Butler and their children Megan Theresa and Steven Leonard, or at the end of the specified 6 year period, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought on to the premises in connection with the use shall be removed and the land restored to its former condition.

The reasons given for the conditions are that personal circumstances weigh heavily in the decision and a temporary consent would be consistent with the educational needs of the children and the timetable for the Council's site allocations document.

Summary Decision: Appeal E is allowed.

Enforcement Notice (Appeals A & B)

1. The Council confirmed at the Hearing that there is an error in the notice. The planning permission referenced in paragraph 5.1 of the notice was approved on 21 September 2016 and not 11 February 2016 as stated. Both parties agreed that the notice could be corrected without any injustice to them, and I have corrected the notice on that basis.

Appeals C & D on ground (b)

2. The issue is whether the day room was erected as a matter of fact. The Appellant stated at the Hearing that he had demolished the timber stable building that had been on the Land and he had rebuilt the day room in brick with a tiled roof in its place. It was therefore accepted by the Appellants that the erection of a day room has taken place as a matter of fact. The appeal on ground (b) therefore fails.

Appeals A & C on ground (a), deemed planning applications and Appeal E

Main Issue

3. As set out in the agreed Statement of Common Ground¹, the site is in the Green Belt and, in accordance with Policy E of the PPTS, the development the subject of these appeals is a form which constitutes inappropriate development in the Green Belt.
4. The main issue is whether the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the caravan site, including the day room, is clearly outweighed by other considerations to provide the very special circumstances necessary to justify the development.
5. The potential harms of the development relate to the effect on the openness and purposes of including land in the Green Belt.
6. Other considerations, potentially weighing in favour of the development, include the existing level of local provision and need for sites, the availability (or lack) of alternative accommodation for the family who occupy the site and their personal circumstances.
7. Integral to my decision-making will be exercising duties under the Human Rights Act 1988. Article 8, a Convention Right², affords a person the right to respect for their private and family life, their home and their correspondence. It is a qualified right that requires a balance between rights of the individual and the needs of the wider community. In applying Article 8 there is a positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies as a minority group means that some special considerations should be given to their needs and different lifestyle in the regulatory planning

¹ Statement of Common Ground, signed and received by PINS on 28.03.24

² Article 8 of the European Convention on Human Rights, enshrined into UK law by the Human Rights Act 1998.

framework and in reaching decisions on particular cases. Under the Equality Act 2010 I will have regard to the public sector equality duty (PSED).

Reasons

Green Belt openness and purposes

8. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. It is also established case law that the Green Belt has a spatial as well as a visual aspect. This means that absence of visual intrusion does not in itself mean that there is no impact on openness of the Green Belt as a result. But equally this does not mean that the openness of the Green Belt has no visual dimension.
9. Policy SWDP2 of the South Worcestershire Development Plan, 2016 (SWDP) seeks to maintain the openness of the West Midlands Green Belt and advises that new development will be considered in accordance with national policy as set out in the Framework.
10. The site has been in use by the Appellants as a residential caravan site for their Gypsy family for some 19 years. When considering and permitting the temporary use of the site for that purpose, my Inspector colleagues have previously found that the siting of a mobile home and associated domestic items would erode openness and be contrary to one of the purposes of the Green Belt of safeguarding the countryside from encroachment.
11. Since the last Inspector's decision in 2016³ there have been some changes to the development and layout of the appeal site. A timber stable building within the site has been demolished and replaced with a brick day room. It is understood that the previous stable building had been utilised for domestic utilities, storage and tack for many years and certainly since October 2012⁴. However, due to deterioration of the building's fabric it was replaced by the Appellants in 2019 with a brick building, which is utilised solely as a day room for the family. At the Hearing the Appellants advised that the replacement building had been constructed on the same footprint as the building it had replaced, which was also single storey. There was much discussion at the Hearing and on the site visit in relation to that assertion. The Council consider that the new building has a larger footprint and believe it is wider than the original building. It is not possible from the aerial images submitted by the Council to ascertain the exact dimensions of the original building. However, having regard to the position of the existing open fronted shed which is adjacent to the northwestern gable of the new building, and the location of the fence line which delineates the southeastern boundary of the site, it seems to me that the width of the new building would have been constrained by those existing developments. That said, on the balance of probability the footprint of the new building is unlikely to have been significantly different from the building it replaced. Having regard to the aerial images submitted by the Council the replacement building has not had a significant impact on the openness of the Green Belt, certainly in terms of its spatial dimension.

³ APP/H1840/W/15/3135053, dated 21 September 2016.

⁴ Paragraph 7, APP/H1840/A/12/2170076, Hearing held October 2012.

12. Since the construction of the new and improved day room building, the Appellant has replaced his large twin axle mobile home with a smaller unit which is sited along with the touring caravan adjacent to the day room. Mrs Butler confirmed at the Hearing that it would be their preference for the mobile home to be retained in that location, where it is close to their bathroom/washing facilities. Those new day facilities have enabled the family to rely on a smaller mobile home. I appreciate that the previous Inspector requested that the mobile home be sited adjacent to the hedgerow bordering Colley Pits Lane, where it was considered that its visual impact would be minimised. However, it seems to me that the openness of the Green Belt and any encroachment into the countryside would be lessened by siting the smaller unit and touring caravan close to the existing buildings on the site.
13. In conclusion, the replacement day room has not had a significant impact on Green Belt openness. However, the stationing of the mobile home and touring caravan introduce a form of bulk development onto a part of the site where there was originally none. Having regard to the size of the mobile unit and touring caravan there is only a small loss of openness in spatial terms and a degree of encroachment into the countryside. Nevertheless, that is a matter which carries substantial weight against the development.

Need for/supply of gypsy and traveller sites.

14. There is a generally accepted national need for more traveller sites. The Framework expects that the housing needs for different groups in the community should be reflected in planning policies. The PPTS, which is itself a material consideration, makes it clear that a relevant matter in the consideration of planning applications for traveller sites is the existing level of provision and need for sites. More specifically, local planning authorities should identify and update annually a supply of deliverable sites sufficient to provide 5 years' worth of sites against their local set targets.
15. Policy SWDP17 of the SWDP relates to proposals for travellers and travelling showpeople pitches. It identifies the need for pitches in South Worcestershire, based on a Gypsy and Traveller Accommodation Assessment (GTAA) carried out in 2014. However, the Council advise that the figures outlined in the SWDP have now been superseded by a GTAA undertaken in 2019.
16. Having regard to the 2019 GTAA, and considering the findings of the Lisa Smith Judgement⁵, which has subsequently resulted in an amended definition of a gypsy and traveller as set out in the 2019 PPTS, the Council produced a summary of their 5 year supply position at January 2024. On 1 January 2024 they considered there would be a need for 56 pitches in Wychavon and advised that 64 pitches had been granted planning consent since 1 January 2019. At the Hearing the Council advised that they had subsequently approved a further 2 pitches and have therefore provided 10 extra pitches over and above their calculated 5 year supply (albeit the Council accept that the 5 year supply is a minimum figure). My attention was also drawn to the number of outstanding planning applications for new traveller pitches which are pending a decision.
17. I accept that on paper, having regard to the need identified in the 2019 GTAA, the Council appear to demonstrate a 5 year supply of sites for gypsy and

⁵ Smith v SSLUHC & Ors [2022] Civ 1391

travellers. However, I am mindful that the 64 new pitches are said to include those granted with a personal condition. Those permissions which are subject to a personal condition would have been granted in response to personal circumstances, and do not assist in the delivery of general traveller pitches. Where a site is suitable for permanent occupation as a traveller site, there should be no need to restrict the use to any particular person or family. The Council has not provided details of how many of those 64 new pitches granted planning permission are personal consents.

18. Furthermore, the GTAA upon which that need was based is now five years old and does not therefore provide a robust up to date assessment of need. The Council acknowledge this failing, and confirmed at the Hearing that a new GTTA has been commissioned to provide an evidence base for the recently published SWDP Review. The Council also accepted at the Hearing that assumptions made in the 2019 GTAA in relation to 'turnover rate' were over optimistic and were much lower than previously thought.
19. That said and having regard to the number of retrospective planning applications currently before the Council, unauthorised encampments and numbers nearing 100 people on the public waiting list for pitches, which include the Appellants who have been on that list for 19 years, there clearly remains an unmet need for gypsy and traveller pitches in the local area.
20. In addition to general need, the availability (or lack) of alternative accommodation for the current occupiers is a relevant consideration, as indicated by the PPTS. The Council was not able to suggest alternative, acceptable, affordable, and available site(s) for the Appellants to move to if their appeal is not successful. There is no obligation on a local planning authority to provide a site. However, the probability is that finding a suitable alternative pitch would be very difficult, bearing in mind the Appellants' site search and failure of the Council to produce a Traveller and Travelling Showpeople Site Allocations Development Plan Document (DPD) to identify additional sites. Policy SWDP17 sets out an intention to provide this Document, and despite previous assurances to Inspectors, a finalised document has not been forthcoming. I am also mindful that the two sites allocated in the SWPD in Worcester South and Worcester West urban extensions have failed to deliver any pitches. It seems clear to me that the Council has relied on the delivery of windfall sites rather than a plan led approach of allocating public and private sites to meet need.
21. Consequently, in view of the requirements of the Notice the subject of Appeals A and B, the family would be likely to have to relocate to the roadside. This would make access to health services more difficult for the family. It is also not in the public interest to have families living on the road with no access to drainage or facilities to store waste, etc.
22. This lack of a suitable alternative site, unmet need for all Gypsy and Travellers and policy failure provides substantial weight in support of the development.

Personal Circumstances

23. The site comprises a single pitch which is occupied by the Appellant, his wife and two children, including his daughter now aged 23 and son aged 19. The family have never had a permanent site but have benefited from a series of temporary consents to reside on the Land, the first of which was granted in

2007. In each case the decision to issue a temporary consent has been made based on the family's personal circumstances and undertakings of the Council to address the housing needs of gypsy and travellers in their area and to work with the family to identify alternative accommodation.

24. The Appellant keeps and trades horses for a living. The Land which the family bought and reside on includes stabling and grazing land which facilitates his business. The family grew up in the local area and Mrs Butler's elderly mother whom she supports lives nearby in Stourport. During their residence on the Land the family have been able to access health services and have been registered at the local doctors for 19 years. The children have attended school, and their daughter is now in professional employment. Their son has a groundwork apprenticeship and attends the local college in Kidderminster. During their residence they have integrated into the local community, and I have received a significant number of letters from neighbouring residents in support of their appeal which confirm a desire for the Appellants to continue to reside on the site and remain part of their community. Paragraph 13 of the PPTS requires local planning authorities to ensure that traveller sites are sustainable economically, socially and environmentally and their policies should therefore, amongst other things, promote peaceful and integrated co-existence between the site and the local community. The evidence before me is that a settled base has enabled this family to access education, contribute to the local economy and become socially integrated in the local community.
25. In this case there has been a series of permissions over a 19 year period each granted in the clear expectation that the Council would allocate sufficient suitable sites within the period of the permission which would enable the Appellants to find an alternative home. On each occasion this has failed to happen. It is clear from the correspondence I have received from health professionals relating to family members, that the uncertainty surrounding their home has and continues to have a significant and serious impact on the mental health of those family members. A settled base is essential for continuity of health care provision for the family and for their economic and social stability. Although the children are now adults, a settled base has enabled them to secure employment and an apprenticeship. Security of a home is essential to the family's health and well-being. These matters weigh in the appellant's favour.

Planning Balance

26. The harm to the Green Belt by reason of inappropriate development and a small loss of openness and encroachment into the countryside has substantial weight.
27. In support of the development, the unmet need in the District for Gypsy and travellers, the failure of the Council to allocate sufficient sites over a long period and lack of available alternative accommodation has substantial weight, and the personal circumstances and the need of the Appellant for a pitch also have substantial weight.
28. Substantial weight should be afforded to Green Belt harm, and I have had regard to paragraph 16 of the PPTS which states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. However, in my judgement, the circumstances of

this case are such that the harm to the Green Belt would be clearly outweighed by the combination of other considerations which weigh in favour of the development, and because the level of harm is towards the bottom of the scale. These considerations provide the very special circumstances necessary to justify the development. I conclude that there would be no conflict with the Framework or Policy SWDP2 of the SWDP or the development plan when considered as a whole.

Conditions

29. The Council provided draft planning conditions which were discussed at the Hearing. I have considered the conditions in the light of the advice within the Framework and PPG, and I have also taken the views of the parties into account.

Appeal A, deemed planning application and Appeal E

30. The personal circumstances of the occupiers are of particular importance in the balance in favour of a permission and so a personal condition is appropriate rather than a requirement that the caravan site shall only be occupied by gypsies and travellers.
31. The development is acceptable whilst it is being occupied by those specified in the permission. A requirement for the use to cease at the end of their occupation and restoration of the land is therefore also necessary.
32. The approved land use is a caravan site and so it is necessary to control the number and type of caravans and to specify one pitch to preclude subdivision. It is also necessary to specify the approved plans. Such restrictions provide certainty and safeguard the appearance and openness of the site and preclude increased intensity of use.
33. In the interests of the appearance of the site it is necessary to require a Site Development Scheme to include soft landscaping retention and to agree the siting of the caravans. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of an outstanding matter. The conditions therefore provide for the loss of the effective benefit of the grant of planning permission where the detailed matters in question are not submitted for approval during the time set by the condition, approved (either by the local planning authority ("LPA") or by the Secretary of State on appeal), and then implemented in accordance with an approved timetable, then the planning permission falls away.
34. In the interests of the appearance of the site, it is also necessary to control commercial activities/storage on the site and to prevent the stationing and storage of vehicles over 3.5 tonnes.

Appeal C, deemed planning application

35. The development is acceptable for use as a day room ancillary to the residential use of the caravan site. A requirement to restrict its use for that purpose is therefore necessary and for the use to cease at the end of occupation of the site as a traveller site. Once the use of the traveller site has ceased it is also necessary for the building to be demolished unless planning

permission has been granted by the local planning authority for an alternative use.

Conclusions

36. For the reasons given above, I conclude that Appeals A and C on grounds (a) and Appeal E succeed, and I shall grant planning permission subject to conditions set out in the formal decisions below. The enforcement notices will be quashed, and it follows that Appeals A & B on ground (g) and Appeals C & D on grounds (f) and (g) do not therefore fall to be considered. Appeal D is dismissed on legal grounds but the notice will be quashed.

Formal Decisions

Decision on Appeal A

37. It is directed that the enforcement notice is corrected by deleting the wording, "11 February 2016" in paragraph 5.1 and substituting with "21 September 2016". Subject to the correction Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the change of use of one mobile home and one touring caravan for occupation by one gypsy family without complying with the said conditions 1 & 2 but subject to the conditions set out in the attached Schedule 1.

Decision on Appeal B

38. I take no further action in respect of Appeal B.

Decision on Appeal C

39. Appeal C is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a day room approximately edged in blue at Land at Caravan 1 Paddock 1, Bywater Farm, Berry Lane, Upton Warren, Bromsgrove B61 9HD as shown on the plan attached to the notice and subject to the conditions set out in the attached Schedule 2.

Decision on Appeal D

40. The appeal is dismissed but the enforcement notice is quashed.

Decision on Appeal E

41. The appeal is allowed.

Elizabeth Pleasant

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Dr Angus Murdoch BA (hons), MSc, MA, PhD, MRTPI	Murdoch Planning Ltd
Mr Leonard Butler	Appellant
Mrs Kathleen Butler	Appellant
Steven Leonard Butler	Appellants' son
Megan Theresa Butler	Appellants' daughter

FOR THE LOCAL PLANNING AUTHORITY

Hannah Davies	Planning Policy Officer
Mr Gavin Greenhow BA, MA MRTPI	Planning Officer
Mr Sebastian Ash	Senior Planning Enforcement Officer

Documents submitted at the Hearing:

- 1) Email correspondence from Charlotte Barry, dated 15 November 2019.
- 2) Correspondence from Wychavon DC dated 21 & 27 March 2019 addressed to Mr & Mrs Butler regarding a pre-application enquiry relating to the refurbishment of existing dayroom.
- 3) Council's Suggested conditions: deemed application for dayroom.

Schedule of Conditions 1. (Appeal A and E)

- 1) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Location Plan (Red/Blue Line), Ref: 05/2272 dated 19 December 2005, Not to Scale.
- 2) The use hereby permitted shall be carried on only by Mr Leonard Butler, Mrs Kathleen Butler, Megan Teresa Butler and Steven Leonard Butler. When the premises cease to be occupied by those named above, all caravans, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.
- 3) The use hereby permitted shall be limited to 1 pitch and no more than 2 caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended, shall be stationed at any time and no more than 1 caravan shall be a static.
- 4) No more than one commercial vehicle shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes unladen in weight.
- 5) No commercial activities shall take place on the land, including the storage of materials.
- 6) The use hereby permitted shall cease and all caravans, vehicles, structures, equipment, and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 28 days of the date of failure to meet any one of the requirements set out in (i) and (iv) below:
 - i) within three months of the date of this Decision a site development scheme (SDS), for: the internal layout of the site, including the siting of caravans and identifying the soft landscaping to be retained shall be submitted for the written approval of the Local Planning Authority and the said scheme shall include a timetable for its implementation.
 - ii) within 9 months of the date of this decision the SDS shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the SDS or fail to give a decision within the prescribed period, an appeal shall have been made to and accepted and 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 SDS shall have been approved by the Secretary of State.
 - iv) The approved SDS shall have been carried out and completed in accordance with the approved timetable and shall thereafter be retained for the duration of the use of the site and development.

In the event of a legal challenge to this decision, or 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.

End of Schedule

Schedule of Conditions 2. (Appeal C)

- 1) The development hereby approved shall not be used at any time other than for purposes ancillary to the residential use of the site known as Caravan 1 Paddock 1, Bywater Farm, Berry Lane, Upton Warren, Bromsgrove B61 9HD. The building shall not be used as an independent self-contained dwelling.
- 2) The development hereby approved shall be demolished and the land returned to its former condition within three months of the occupation of the premises as a gypsy and traveller site ceasing unless an alternative use for the building has been granted planning permission by the local planning authority.

End of Schedule