



Appeal Decision

Hearing held on 12 March 2024

Site visit 13 March 2024

by Frances Mahoney MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 June 2024

Appeal Ref: APP/D0515/W/23/3332133

Land North of the Spinney, Gall's Drove, Guyhin, Wisbech St Mary, Wisbech

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 Ms Sarah Smith against the decision of Fenland District Council.

The application ref is F/YR22/1029/F, dated 7 June 2022.

The development proposed is the use of land for the stationing of caravans for residential purposes and dayroom ancillary to that use.

Preliminary matters

1. Following the submission of the planning application, now the subject of this appeal, it was agreed between the parties that the following description set out below in paragraph 4 more accurately reflects the proposal. This was on the basis that the use had already commenced¹. I see no reason to disagree and so have reflected the agreed description in the terms of the decision.
2. However, from visiting the appeal site it was apparent that occupation is not in accordance with Block Plan drawing no 21_1155_003 Rev A which sets out the location of the mobile home, the touring caravan and the utility/day room². Therefore, I have had regard to the submitted Location Plan and Block Plan in respect of the proposed extent and layout of the appeal site. Consequently, the following decision in no way sanctions the pattern of occupation as installed at the appeal site or the size of the pitch as physically established.
3. Whilst the agreed description of the proposal does not mention that the change of use is for the accommodation of a member of the Gypsy and Traveller community, it is clear from all the supporting documentation at the time the application was considered that this was the intention. The appeal similarly reflects the nature of the proposed occupation of the appeal site presented at the application stage. I have therefore, considered it accordingly.

¹ Part retrospective reference.

² There are also a number of buildings/structures on site not included within the proposed scheme.

Decision

4. The appeal is allowed, and planning permission is granted for the change of use of land for the stationing of 1 x mobile home for residential purposes and 1 x touring caravan, and the erection of an ancillary dayroom, (part retrospective), at land north of The Spinney, Gall's Drove, Guyhin, Wisbech St Mary in accordance with the terms of the application, F/YR22/1029/F, dated 7 June 2022, subject to the conditions set out at Annex A to this decision.

Applications for costs

5. Applications for costs were made by Fenland District Council and Ms Sarah Smith against each other. These applications are the subject of separate Decisions.

Reasons

6. On the 28 April 2023 the Council refused planning permission for the proposal the subject of this appeal for the following reasons (in summary):
 - Reason for refusal 1 - The Council was not convinced, based on the evidence before them, that the then applicant met the definition of a Gypsy and Traveller as set out in Planning Policy for Traveller Sites (PPTS). As a result, the proposal was considered against the terms of the relevant rural area development policies³ without any weight being ascribed to the balance of the decision in respect of FLP Policy LP5 Part D.
 - Reason for refusal 2 – Therefore, the proposal was considered on the basis of being an isolated home in the countryside⁴, where development would be restricted to that which would be demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services⁵. The Council did not consider the proposed change of use satisfied any of the criteria set out in the policies which they considered relevant at that stage.
7. However, following the submission of the appeal evidence the Council accepted the substantiation of the appellant's status as a Gypsy and Traveller⁶. As a result, the Council acknowledged that the requirements of FLP Policies LP3 and LP12 are outweighed by the terms of the PPTS and FLP Policy LP5 in respect of appropriate siting of Gypsy and Traveller pitches⁷.
8. On these grounds the Council has not defended reasons for refusal 1 and 2.
9. I have considered the evidence in respect of the status of the appellant as an accepted member of the Gypsy and Traveller community and concur with the agreed position of the Council and the appellant that she so belongs⁸. The appeal proposal has been considered accordingly. That said I am also aware of the appellant's assertion that from the outset this proposal was for a pitch for occupation by an unspecified member of the Gypsy and Traveller community and should have been considered accordingly. I will return to this matter.

³ Fenland Local Plan (FLP) Policies LP3 & LP12.

⁴ National Planning Policy Framework (the Framework) paragraph 84.

⁵ FLP Policies LP3 & LP12 Part D.

⁶ PPTS Annex1: Glossary published December 2023.

⁷ Hearing Docs 1 & 2.

⁸ Hearing Doc 3.

10. So, this appeal proposal must be assessed, in the main, against the terms of the PPTS and the FLP Policy LP5 Part D⁹. Part D requires the Council to maintain a local assessment of need for Gypsy and Traveller (GTANA) pitches (permanent and transit). FLP Policy LP5 refers to the latest published evidence of need dating back to November 2013. The Council are currently undertaking a new GTANA to be published later in the year. The findings will inform policy direction within the emerging Local Plan. However, this is still some way off adoption¹⁰ and so the Council are relying on the adopted policies of the FLP.
11. FLP 2014 Policy LP7 criteria (q) allows for up to five Gypsy and Traveller pitches to be provided within the allocated urban extension areas where a specific accommodation need has been established. FLP Policy LP5 Part D in reference to the published evidence of need, November 2013, concluded there was no need for Fenland District Council to identify any new pitches.
12. The Council has five local authority sites accommodating 64 family pitches, along with private sites across the District accommodating over 300 caravans, as well as a transit site.
13. There is a current waiting list for pitches with 16 persons on it.
14. In the absence of a robust evidence base in the form of an up-to-date GTANA and resultant expression of need, the Council accept that at this stage, they don't know what the need for Gypsy and Traveller Accommodation is within their District.
15. As a result, the Council confirmed that they would offer no evidence that would disagree with the appellant's case in respect of need¹¹. They accept there is an immediate unmet need for Gypsy and Traveller sites in the District¹². They ascribe substantial weight to this element in the balance of the decision¹³. Further the Council can not demonstrate a five-year land supply in this regard¹⁴. As a material consideration the Council ascribe significant¹⁵ weight in favour of the appeal in respect of this inadequacy¹⁶. The ongoing failure of planning policy in respect of responding to meeting housing need for the Gypsy and Traveller community further adds considerable weight in the positive side of the balance of the decision¹⁷.
16. I have considered the evidence relating to a need for Gypsy and Traveller sites in the District. In the absence of an up-to-date assessment and an acknowledgement of a lack of a five-year housing land supply specific to the Gypsy and Traveller community, I must agree with the conclusions of the Council on the positive weighting to be ascribed to the identified policy inadequacies.
17. I have also noted that the Council were unable to identify any available, suitable, acceptable and affordable alternatives for the Appellant or any other Gypsy or Traveller¹⁸ to the occupation of the appeal site.

⁹ FLP Policy LP5 Part D in the main follows the thrust of Government guidance in the form of the PPTS and the Framework.

¹⁰ Regulation 19 stage – submission to the Secretary of State before June 2025 – Hearing Doc 2 para 2.6.

¹¹ Hearing Doc 1 – para 20.

¹² Hearing Doc 2 – para 2.7.

¹³ Hearing Doc 2 – para 2.7 24.

¹⁴ Hearing Doc 1 – para 23.

¹⁵ PPTS para 27

¹⁶ Hearing Doc 2 – para 2.7 25.

¹⁷ Hearing Doc 2.7 27.

¹⁸ Hearing Doc 2 2.7 26.

18. FLP Policy LP5 Part D does, however, require that irrespective of whether an up-to-date need is identified or not, the decision-maker will still determine applications on a case-by-case basis. Each proposal would be measured against a number of criteria.
19. Criteria (a) requires that the site and proposed use should not conflict with other development plan policies or national planning policy. In this instance a conflict with FLP Policy LP14 and Section 14 of the Framework has been identified by reason for refusal 3 which deals with risk from flooding. This is a matter which will be dealt with below.
20. In respect of the impact of the proposal on landscape character no case has been promoted that either the use or the presence of the caravan/mobile home and utility/dayroom would adversely impact on the character of the countryside. Both national and local plan policies do not preclude Gypsy and Traveller sites from rural areas and the countryside. The protection of local amenity and environment, as well as sites being of a scale which would not dominate the nearest settled community, are all considerations.
21. The appeal site lies in an established linear spread of sporadic residential development along Gall's Drove. In respect of the scale of the proposal, it being limited to only one mobile home, one touring caravan and a utility/dayroom, this would be in keeping with the size of the neighbouring properties.
22. The landscape is very flat in its surroundings but does include mature trees and hedges on frontage and rear boundaries. Caravans are not unexpected features in the landscape as there is a Camping and Caravanning Club site at the Hawthorns just a short distance to the north, although this appears to be more of a seasonal holiday use and does benefit from some boundary screening.
23. The scheme as proposed has the mobile home sited some distance back from the drain with an intervening grassed area, planted native species hedge and trees. This would soften the impact of the mobile home, touring caravan and utility/dayroom in the wider landscape as would the other proposed hedgerow and tree planting within the appeal site¹⁹. The extent of the proposed site, proposed boundary treatments and location within an established linear grouping of other homes and buildings, lends itself to securing a peaceful and integrated coexistence for the occupiers of the appeal site and the local community²⁰.
24. When viewed from Rummors Lane, Mouth Lane and the A47 the mobile home stationed at the appeal site is prominently visible with only a low wooden fence on the rear boundary close to the edge of the rear drain. However, as already indicated, I am considering the layout and details as promoted through the submitted appeal plans not as the site is currently laid out.
25. Criteria (b) seeks to secure a settled base located within reasonable travelling distance of local services and community facilities. There are limited facilities both within Wisbech St Mary and Guyhirn. However, there are bus stops along the B1542 close to Gall's Drove which provide services into Wisbech and March where services are more readily available.
26. However, due to the appeal site's rural location, I consider it likely that any future occupants of the proposed pitch would have some reliance on a private motor

¹⁹ Could be secured by condition – FLP Policy LP5 Part D (a) & (e).

²⁰ FLP Policy LP5 Part D (c) (e).

vehicle for transport needs although travel distances to services are reasonable. This is not uncommon in rural areas and is certainly not exclusive to the Gypsy and Traveller community. I have no doubt it would equally apply to the settled community in the immediate vicinity.

27. The appeal site includes an existing access onto Gall's Drove and there is ample space proposed on the site Block Plan to accommodate parking and turning. The Highway Authority have raised no objection to the proposal in this regard. In my experience of using the access and parking on the appeal site, I have no reason to question this assessment²¹.
28. The appeal site has a connection to a water source and the proposal includes the installation of a mini packaged treatment plant²² to deal with foul water. Refuse would be dealt with by the same means as the neighbouring settled community²³.
29. FLP Policy LP5 Part D goes on to identify that the Council will be prepared to grant permission for sites in the countryside provided that there is evidence of a need, that the intended occupants meet the definition of Gypsy and Travellers as set out in Government guidance and provided criterion (a) to (f) are met.
30. The need for such Gypsy and Traveller sites within the District has been established. It is also accepted that the appellant meets the definition of a Gypsy and Traveller. It is also apparent from the reasoning above that the proposal is compliant with all but one criteria of FLP Policy LP5 Part D that being (a) in respect of a potential conflict with development plan policy relating to Flood Risk²⁴. This now needs to be considered to assess any harms which might ensue.

Main Issues

31. Therefore, the main issues centre on the following matters:
 - whether the proposed change of use would be considered necessary in an area at risk of flooding (Flood Zone 3) in the context of a risk-based approach to the location of proposals through the application of an appropriate sequential test; and
 - whether any harms identified would be outweighed by other considerations including the general need for, and provision of sites, the availability of alternatives, and the personal circumstances of the appellant, so as to justify the change of use.

Flooding

32. The appeal site lies within the North Level Internal Drainage Board district and is shown within Flood Zone 3 which has a high probability of flooding²⁵ in certain circumstances. The tidal River Nene lies some one kilometre from the appeal site.
33. The Environment Agency (EA), in their attendance at the Hearing, maintained their policy objection to the proposal. They confirmed that, in reaching their view, they had reviewed the contents and conclusions of the Flood Risk Assessment (FRA – November 2021) and found no reason to disagree. However, they had not taken into account the mitigation set out in the submitted FRA. They also accepted that

²¹ FLP Policy LP5 Part D (d).

²² Biodiogester T6 as an example.

²³ FLP Policy LP5 Part D (f).

²⁴ FLP Policy LP14.

²⁵ Defined on the Environment Agency flood maps.

the flood mapping showed the area which could be affected by flooding from the River Nene (the natural floodplain), but this was on the basis that there were no flood defences or other manmade structures and channel improvements which might contribute to the controlling of flood water in the locality.

34. The appeal site forms part of the defended floodplain of the River Nene. Such defences include Mouth Lane pumping station, existing bank levels at 6.30m aOD, and main drain watercourses on the rear boundary of the site where land levels are generally at 1.00m aOD. The surrounding land drains by gravity into the Broad Drain and then to the Mouth Lane pumping station where it discharges into the River Nene.
35. The North Level Internal Drainage Board also control the flows and levels of water within the network of drains which can contribute to the control of flood water in certain circumstances.
36. Up stream from Mouth Lane is the Whittlesey Washes which is a flood storage reservoir capable of significant storage of flood water from the River Nene and through a system of tidal sluices. The Cradge Bank, which forms part of the Washes, would, in extreme floods, overtop as part of the approach to reducing flood risk for the local community. These flood risk assets, whilst up stream to the appeal site, nonetheless are important in the suite of flood control measures in the wider catchment of the River Nene.
37. The EA made it clear that the risk of flooding is directly related to the operation and maintenance of the defences. Availability of funding and consequent priorities is a dominant factor in any realistic assessment of risk of flooding. Tracks of land, including some farmland, are purposefully identified as floodplains to accommodate any overtopping of the River defences or overspill from the network of internal drains. Such areas do not generally include residential property. I noted at my site visit that Mouth Lane, to the east of the appeal site, includes a number of residences located directly at the base of the banked river defences which rise up from the flat surrounding landscape. Gall's Drove also includes residential development.
38. I am also conscious that as the EA confirmed, the EA Mapping is only a guide, particularly as flood defences are not factored into the model. The mapping reflects the worst-case scenario.
39. The FRA sets out that EA recent studies indicate that a design water level for the 1 in 200-year tidal event would be 4.47m aOD. With rising sea levels over the next 100 years the predicted 1 in 200-year tide level at Wisbech would have risen to 5.78m aOD. This would not overtop the crest of existing defences and the risk of breaching of the tidal defences is low. It is further reduced by the Whittlesey Washes, Cradge Bank and the Rings End Outfall Sluice having a protected level of 4.50m aOD. Any increase in the tidal flood level as a result of climate change is unlikely to reach the estimated level of 5.78m aOD as water would overtop the Cradge Bank and Outfall Sluice to discharge floodwaters into the Whittlesey Washes²⁶.
40. However, from the EA hydraulic modelling there is no denying that in an extreme event of overtopping of the River in the vicinity of the appeal site²⁷, when all other means of controlling the flow of water in the immediate catchment are failing or

²⁶ FRA para 5.5.

²⁷ Scenario year 2115.

being overwhelmed, the appeal site would be likely to flood. This could be to a depth in the order of 1 metre to 1.6 metres²⁸.

41. Were levels in the River Nene to rise to a point where overtopping was to occur to an extent that flooding was anticipated between the River and Gall's Drove this situation would not be sudden²⁹. The EA in partnership with the North Level District Internal Drainage Board and Local and County Councils offer a Flood Warning Service which includes online alerts, telephone Floodline, media alerts and an advice service on ways to limit impacts. Therefore, this would allow for a precautionary approach to be taken to limit the impacts, including the evacuation of residents from the properties along Gall's Drove. They would not have far to go as Wisbech St Mary lies within Flood Zone 1.
42. That said, whilst the risk of breaching may be low it is necessary to consider mitigation measures to be incorporated into the proposed scheme³⁰. The FRA identifies that the following measures would form the basis of necessary mitigation measures which would need to be accommodated in the layout and siting of the proposed mobile home³¹:
 - Finished floor level of mobile home to be raised to 1.0m above ground level;
 - The mobile home would be anchored down (tethering) onto the concrete base with a further 600mm of flood resistant construction incorporated above finished floor level;
 - A flood warning and evacuation plan would be prepared in conjunction with the Council and secured by condition;
 - No development would be permitted within 9.00m of the Internal Drainage Board main drain on the southeastern boundary of the appeal site without the consent of the North Level Internal Drainage Board; and
 - The free flow of flood water through the site would also need to be demonstrated.
43. The PPTS sets out that Local Planning Authorities should ensure that their policies do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans³².
44. The Framework and the PPG indicate that residential development should be directed to areas of lowest flood risk. Paragraph 168 of the Framework states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding and this is on the basis of a sequential, risk-based approach to the location of development.
45. Neither the Council nor the EA have challenged the contents or conclusions of the FRA³³. Their position is that a sequential test (if necessary) should have been completed having regard to actual and residual flood risks³⁴, along with an

²⁸ No evidence was offered that the appeal site or Gall's Drove had ever flooded.

²⁹ Confirmed by the EA.

³⁰ FLP Policy LP14 Part (B) (d).

³¹ FRA paras 5.7 & 10.1. This mitigation would keep the users of the proposal safe for its lifetime, without increasing flood risk elsewhere – the Framework para 170 b) Exception test.

³² PPTS para 13 g).

³³ FLP Policy LP14 Part (B) (d).

³⁴ FLP Policy LP14 Part (B) (a).

exception test (if necessary)³⁵, and the demonstration that the proposal meets an identified need³⁶ and appropriate flood risk management can be put in place.

46. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding³⁷.
47. PPTS sets out that in planning for traveller sites they need to be suitably located with a reasonable prospect that the site is available and could be viably developed³⁸. The Council has confirmed that there are no available, suitable, acceptable and affordable alternatives to the appeal site for the appellant or any other Gypsy and Traveller³⁹. This would include any other sites within Flood Zones 1 & 2. The Council also confirmed that a number of their Gypsy and Traveller sites are within Flood Zone 3.
48. The appeal site is comparatively small and located between a drain and the access road within the linear form of the other residences along Gall's Drove. The wider landscape is one of agricultural land in expansive fields. This would not lend itself to being subdivided to accommodate a single Gypsy pitch.
49. In these circumstances where no available alternatives to the appeal site have been identified, I consider that the sequential test has been met⁴⁰.
50. However, there still remains a prima facie conflict with both local and national planning policy in respect of the location of what is highly vulnerable development within Flood Zone 3⁴¹, an area at risk of flooding⁴². This, in itself, generates some harm and would be of considerable weight⁴³ against the proposal.

Planning balance⁴⁴ and conclusion

51. Having identified a conflict with national and local planning policy in respect of Flooding, as set out above, which results in a level of harm of considerable negative weight, this then needs to be weighed in the planning balance of this decision.
52. No other harm has been identified in respect of conflicts with other criteria within both national and local planning policies.
53. There is an acceptance of the FRA and, whilst a sequential test was not submitted as part of the planning application, a sequential approach to flood risk has been adopted in the consideration of this appeal. In the vacuum of identification of available, suitable, acceptable and affordable alternative sites for the appellant or

³⁵ FLP Policy LP14 Part (B) (b).

³⁶ FLP Policy LP14 Part (B) (c).

³⁷ The Framework para 168.

³⁸ PPTS para 10 footnote 4 and 5.

³⁹ Hearing Doc 2 para 2.7 26.

⁴⁰ The Framework para 170 a) will be considered in the planning balance.

⁴¹ The Framework para 173, PPTS para 13 g), FLP Policy LP5 Part D (a).

⁴² Reference the EA policy objection.

⁴³ Hierarchy of weighting used - Considerable (at the lower end) – significant – substantial (at the upper end).

⁴⁴ At the onset of considering the issues in the planning balance I have borne in mind the duty placed on me within the Public Sector Duty.

any other Gypsy and Traveller, I see no merit in requiring the appellant to go back and undertake a theoretical exercise of sequential consideration of alternative sites which even the Council cannot suggest or direct the appellant to.

54. The submitted FRA demonstrates appropriate flood risk management and safety measures with a positive approach to reducing flood risk overall through the proffered mitigation measures to be secured by condition⁴⁵.
55. It has been identified that the appeal proposal is contributing to meeting an immediate unmet need for Gypsy and Traveller sites in the District⁴⁶. This is a community benefit of significant weight, even on the basis of the provision of just one pitch, particularly in a District where site identification for Gypsy and Traveller sites is proving problematic⁴⁷. It would also go towards achieving a five-year supply of deliverable land for the provision of new Gypsy sites. These benefits when considered cumulatively amount to substantial weight in favour of the proposal. The inability to quantify the extent of the need for pitches adds further weight in favour of the proposal.
56. Further positive weighting also ensues as the proposal offers a settled base giving access to domestic facilities such as private washing and toileting, along with a family pitch and mobile home. This would maintain the traditional Gypsy way of life.
57. The policy conflict relating to the location of the appeal site in Flood Zone 3 is of considerable weight and the flood risk would be managed through the identified mitigation measures⁴⁸. Therefore, I conclude that the benefits of the proposal, being of substantial weight, would outweigh any harms and the appeal should be allowed.
58. I have considered whether this should be a permanent or temporary planning permission. I am mindful of the difficulties of finding alternative, authorised accommodation, confirmed by the Council. I am also conscious that it may be sometime before the results of the emerging GTANA translate into actual pitches on the ground, which may then be readily available to the Gypsy and Traveller community. Therefore, a permanent permission is justified on the basis of compliance with the agreed conditions.
59. I have also considered whether this should be a personal permission specific to the appellant. However, there being such a strong case in respect of the unmet needs of the general Gypsy and Traveller community within the District I do not consider that the personal circumstances of the appellant need to be factored in as, an accepted member of the Gypsy and Traveller community she could comply with a general occupancy condition which is justified in this case of general need.

Conditions

60. An agreed schedule of conditions was submitted and discussed at the Inquiry.
61. For the reasons set out above, a permanent permission should be granted with a general occupancy condition restricting occupation to Gypsies and Travellers, defined so as to not exclude those who have ceased travelling permanently.

⁴⁵ FLP Policy LP14 Part (B) (d).

⁴⁶ FLP Policy LP14 Part (B)(c).

⁴⁷ Framework para 170 a).

⁴⁸ To be secured by condition.

62. The number and type of caravans to be kept at the site should be restricted to limit the visual impact. As the submitted plan shows specifically the type and number of caravans proposed to be stationed on the pitch (a single static mobile home, one touring caravan and a day/utility room), a condition restricting the type of caravan should be imposed.
63. Conditions requiring that the site be laid out and developed in accordance with the approved plans should be imposed to safeguard the satisfactory development of the site, the character and appearance of the surrounding countryside and to safeguard the 9.00m set back from the Internal Drainage Board main drain on the southeastern boundary of the appeal site (part of FRA mitigation measures).
64. In the uncertainty of the appropriate means of drainage to ensure a suitable means of foul water disposal and surface water run off onto the adjacent highway, the submission and agreement of such details are a necessary prerequisite to minimise pollution and in the interests of general amenity.
65. In order to ensure that the appearance and character of the area is safeguarded conditions relating to the submission, agreement and implementation of a landscaping scheme, the restriction of the use of the site (no commercial use) and the stationing of commercial vehicles over a specified size limit are imposed.
66. Limitations on external lighting are necessary to minimise visual impacts and the character of the locality as is the control of walls, fences, gates, hardstandings and buildings.
67. In the interests of safeguarding and enhancing biodiversity at the site a condition requiring compliance with the Preliminary Ecological Appraisal is justified.
68. To secure the mitigating measures as detailed in the FRA, a condition requiring the submission of a site development scheme, including a timetable for implementation, is imposed in the interests of the health and wellbeing of occupants in view of the risk of flooding and the visual and residential amenity of the area.

Overall conclusion

69. For the reasons given above and having considered all other matters, I conclude that the appeal be allowed subject to the conditions in Annex A.

Frances Mahoney

INSPECTOR

Annex A

Schedule of Conditions

1. The development of the ancillary day room/utility permitted shall be begun before the expiration of 3 years from the date of this permission.
2. 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 (or its equivalent in replacement national policy).
3. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.
4. No commercial activities shall take place on the land, including the storage of materials.
5. No more than one commercial vehicle shall be kept for use by the occupiers of the pitch and shall not exceed 3.5 tonnes in weight. No person other than a permanent resident of the pitch to which this planning permission relates shall bring a laden commercial vehicle to the site, or park, or keep laden commercial vehicles on the site.
6. 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 90 days of the date of failure to meet any one of the requirements set out in i) to v) below:
 - i) Within 5 months of the date of this decision the use hereby permitted shall be laid out in accordance with Block Plan dwg no 21_1155_003 Rev A and shall be maintained as such.
 - ii) Within 3 months of the date of this decision the site development scheme for the following, including a timetable for the implementation of the approved details, shall have been submitted to, and approved in writing by, the local planning authority:
 - (a) the proposed method of tethering the caravan, raising the floor level of the static caravan to at least 1m above existing ground level and providing a route for any flood water to pass below the static caravan;
 - (b) details of the flood resilient construction proposed for the day room and static caravan to a level of 600mm above finished floor level;
 - (c) details of a flood warning and evacuation plan for the site;
 - (d) the provision and details of any external lighting proposed on the boundary of and within the site including any mounting, poles and measures to prevent light pollution;
 - (e) details of the drainage measures to be installed to prevent surface water run-off onto the adjacent public highway;

(f) full and precise details of the means of disposal of foul sewage. If a package treatment plant is to be utilised, the required details include a waste management and maintenance plan; the discharge outlet location and discharge disposal through a wetland or similar SuDs system. The approved waste management and maintenance plan shall be complied with in full at all times;

(g) full details of soft landscape works (Landscaping Scheme). These details shall include plans identifying the proposed planting; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. The approved landscaping scheme shall be carried out in the first planting season following the written approval of the scheme. Details of the proposed hedges as shown on the Block Plan dwg no 21_1155_003 Rev A shall be included within the landscaping scheme. The hedgerow should be stocked with indigenous species suitable to its countryside location.

If within a period of five years from the date of the planting out of the approved soft Landscaping Scheme, any of the trees, hedging or other plants used which are removed, uprooted or destroyed or dies, another plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

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

iv) 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.

v) The approved site development scheme or soft landscaping scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved schemes specified in this condition, that scheme shall thereafter be maintained and retained in perpetuity.

7. The development shall only be carried out in accordance with the recommendations for mitigation and compensation set out in the Preliminary Ecological Appraisal (Torc Ecology, May 2022) which details the methods for the creation of the following ecological enhancements:

- ☐ Bird and bat boxes;
- ☐ Hedgehog holes
- ☐ External lighting

unless otherwise approved in writing by the local planning authority or varied by a European Protected Species license subsequently issued by Natural England.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of

enclosure other than those shown on the approved plans shall be erected on the site and no areas of hard surfacing installed, other than as hereby permitted.

9. The development hereby permitted shall be carried out in accordance with the following approved plans:

- 21_1155_001 Location Plan (revision A)
- 21_1155_003 Proposed Site Layout (Block plan) (revision A)
- 21_1155_005 Dayroom Floor Plan and Elevations
- 21_1155_007 Close Boarded Fence Details
- 21_1155_007 Close Boarded Gate Details
- SD(16)001 Anchor Detail

Appearances

For the Council:

Danielle Brook – Senior Development Officer

David Rowen – Development Manager

For the Environment Agency:

Harris Skinner - Planning Advisor

Rachel Storey - Advisor to the Partnership and Strategic Overview Department

For the Appellant:

Matthew Green – Director Green Planning Studio

Geoff Beel – Geoff Beel Consultancy

George Whitehouse – Senior Planner - Green Planning Studio

Sarah Smith - Appellant

Hearing Documents

Doc 1 Signed Statement of Common Ground

Doc 2 Local Planning Authority Opening Statement

Doc 3 Signed witness statement of Sarah Smith