



Appeal Decision

Hearing held on 3 December 2024

Site visit made on 3 December 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/C1570/W/24/3348002

Land to the west of Chelmsford Road, Felsted, Essex CM6 3LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Christopher Allen against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/2526/FUL.
 - The development proposed is change of use of land to use as a residential caravan site for five Gypsy families, each with two caravans, including laying of hardstanding, erection of five no. utility buildings and construction of new access.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to use as a residential caravan site for five Gypsy families, each with two caravans, including laying of hardstanding, erection of five no. utility buildings and construction of new access at land to the west of Chelmsford Road, Felsted, Essex CM6 3LT in accordance with the terms of the application, Ref UTT/23/2526/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The applicant's surname is incorrect on the application form and appeal form. The parties consider the details stated on the Council's decision notice to be accurate. Therefore, in the header above, I have used the name as indicated by the Decision Notice which I am satisfied correctly identifies the appellants.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development would be in a suitable location, having regard to the local development strategy;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the integrity of the Blackwater Estuary SPA and Ramsar; and
 - Whether other material considerations, including the need for and supply of pitches, outweighs any harm identified such as to justify the development.

Reasons

Whether in a suitable location

4. The appeal site comprises an area of agricultural land at the southern edge of the village of Causeway End. The site lies outside the development limits and is within the countryside. Policy S7 of the Uttlesford Local Plan 2005 (ULP) protects the countryside for its own sake.
5. Policy S7 places strict controls on new building and supports development in the countryside where the development needs to take place there or is appropriate to a rural area. However, the policy does not specify which development types are deemed to be appropriate.
6. Paragraph 25 of the Planning Policy for Traveller Sites (PPTS) states local planning authorities should very strictly limit development in open countryside that is away from existing settlements or outside areas allocated in the development plan. The PPTS does not restrict traveller site provision in the rural area, and the Council accepts the site is not isolated for the purposes of the PPTS definition.
7. Policy S7 pre-dates the National Planning Policy Framework (the Framework). The Council's compatibility assessment considers Policy S7 to be partly consistent with the Framework which takes a positive, rather than protective, approach to appropriate development in rural areas. For this reason, and in light of other decisions for similar development, the Council accepts Policy S7 should be afforded only moderate weight in the decision-making process.
8. Concerns were raised by the parish council and residents regarding the site's limited access to pedestrians, cyclists, and by public transport. Due to an absence of footways, lighting, traffic speeds, and infrequent bus service, the Council considers future occupants would be reliant on use of private car. However, the Council's delegated report draws on a previous appeal decision in which the Inspector concluded the appeal site "would form an acceptable location for gypsy and traveller accommodation with acceptable access to services and facilities" and found the location of the proposed development would comply with Policy S7¹. The delegated report concludes the proposed development would be acceptable in principle in this location.
9. As set out above, Policy S7 should be afforded only moderate weight and does not specify development types deemed suitable in rural areas. The PPTS is a material consideration of significant weight. The site is close to the built area of Causeway End and therefore is not in the open countryside away from existing settlements. Consequently, having regard to the local development strategy the proposed development would be in a suitable location.
10. However, Policy S7 goes on to state that "development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there". The Council consider the proposal would have material rural harm, contrary to the countryside protection aims of Policy S7. I have considered the proposal's effects on the character and appearance of the area, below.

¹ Appeal ref: APP/C1570/W/20/3263184

Character and appearance

11. The site is on the west of the B1417 Chelmsford Road. The main built area of the village lies a short distance to the north and has a linear form comprising large, detached dwellings in spacious plots which gradually increase in density on travelling further into the village. There is a pair of detached dwellings to the south of the site on the eastern side of the road. The site is therefore in an edge of settlement location.
12. The site forms a part of an arable field within a continuous area of agricultural land extending south and west of the village, and beyond Chelmsford Road to the east. The site is within a rural area.
13. The site's northern boundary abuts a large area of garden land associated with Millbanks Farmhouse. The site represents the point where the agricultural landscape meets the village's residential uses. The site is beyond the linear row of houses at Chelmsford Road and is perceived as lying outside the village.
14. A mature hedgerow runs along the site's front boundary to Chelmsford Road, behind a grass verge. Hedgerows extend along either side of the highway and form a characteristic feature of the area contributing a green, verdant appearance to the landscape.
15. The proposal would comprise five pitches with a utility building and hardstanding, served by an internal access road from a new vehicular access at the site's frontage. A static caravan and touring caravan would be sited on each pitch. The proposal would therefore have an urbanising effect on the site which is presently undeveloped.
16. However, as discussed above, the PPTS does not preclude development of traveller sites in rural areas. It is implicit that construction of sites and siting of caravans will change the appearance of undeveloped land. Furthermore, caravans are commonplace in the countryside such as on farms, holiday parks, and traveller sites, and therefore are not inappropriate in rural areas.
17. Four pitches would be arranged in a linear form, set back from the highway behind a strip of land intended to serve as a recreation area. Pitch no 5 would sit forward in the site to provide an 'end-stop' to the row of development. However, the pitches are substantially smaller than nearby dwelling plots and would abut one another. The proposed development would therefore be of significantly greater density than surrounding residential development. The proposed layout would therefore be out of keeping with the spacious character of nearby development.
18. The maximum dimensions of a caravan are stipulated by legislation and cannot feasibly replicate the built form of many brick-and-mortar dwellings. From my site visit, I noted that nearby dwellings included garages, projections, and outbuildings of single storey height, and therefore the proposed utility rooms and caravans would not be wholly incongruous features within the landscape. Nonetheless, the proposed buildings and caravans would generally appear diminutive in scale relative to the nearby large two-storey dwellings and would not reflect the form of nearby dwellings.
19. PPTS paragraph 26(b) requires sites be well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness. To provide suitability visibility splays would necessitate some removal of the

roadside hedgerow. However, a new hedgerow would be planted along the site's highway frontage and rear and side boundaries.

20. The hedgerow boundaries would be interspersed with trees and would comprise a mix of native species, reflecting the characteristics of hedgerow boundaries within the surrounding area. The proposed planting would therefore assist in assimilating the development into the rural landscape.
21. The vegetated boundaries would screen and filter views of the proposed development, thus softening its appearance from the highway, but would not wholly conceal the development from view. There would be seasonal variation in the efficacy of the screening, and the visual impacts of the proposed development would be greatest in the short term as the new hedgerow matures. However, the screening effect of the landscaping proposals would reduce the visual impacts of the development.
22. The low height of the proposed buildings and caravans would reduce the visual prominence of the development. Chelmsford Road is sinuous and has a continuous hedgerow behind the verge. The effect of the proposed development on long distance views would therefore be minimal.
23. This section of Chelmsford Road offers no pedestrian or cycle infrastructure or street lighting and is subject to the national speed limit. Therefore, views of the site would normally be experienced as brief glimpses from passing road users through the site's access or gaps in foliage of boundary vegetation.
24. In addition, the development would generally be viewed within the context of dwellings to the north and south. The development's visual impacts on the landscape would be reduced by the site's proximity to existing development.
25. Concerns were raised regarding the effect of the proposal on the layout of the village and its rural gateway. The arrangement of pitches would provide additional linear development along Chelmsford Road and therefore would not be out of keeping with the layout of the village.
26. Millbanks Farmhouse is a large, historic, two-storey building with gables, roof dormers, and tall chimneys, and is the first building prominent from the highway on approaching Causeway End from the south. I have considered the effects of the proposed development on this Grade II listed building as other matters, below. As discussed above, the proposed development would be low in height and generally screened from view. The proposed development would be separated from Millbanks Farmhouse by its large grounds. The scale and form of the proposed development, and extensive landscaping, would not therefore compete with Millbanks Farmhouse and would not have an adverse effect on the rural gateway to the village.
27. The design of the scheme seeks to overcome concerns raised in the previous appeal decision for the site. The proposal materially differs from the previous scheme since the layout seeks to reflect the linear pattern of development along Chelmsford Road and blocks of woodland planting are omitted.
28. However, the density of the proposed pitches would be broadly the same as the previous proposal and would require the introduction of extensive areas of hardstanding, which in the previous appeal decision the Inspector concluded would be "inappropriate in this edge of settlement countryside location,

urbanising this open and undeveloped site". The proposed development would not wholly overcome such adverse impacts.

29. As set out above, the proposal would have an urbanising effect upon the site, resulting in a small loss of undeveloped countryside. The scale and density of the proposed development would appear out of keeping with the spacious character and built form of nearby dwellings. The proposal would therefore have an adverse impact on the character and appearance of the area.
30. The proposed landscaping would lessen the visual impacts of the development, and views of the site would be localised, experienced principally from its highway frontage. Therefore, the proposal would have a moderate harmful effect upon the character and appearance of the area.
31. The proposal would conflict with Policies FEL/CW1 and FEL/ICH1 of the Felsted Neighbourhood Plan (FNP) which together require development protect and bring about enhancements to the character of the Neighbourhood Area, including being locally distinctive through scale and layout. In addition, the proposal would fail to comply with ULP Policy S7 which requires the development's appearance protect or enhance the particular character of the part of the countryside within which it is set.

Integrity of European Sites

32. The appeal site lies within the zone of influence of the Blackwater Estuary Special Protection Area (SPA) and Ramsar site, which is afforded protection by the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).
33. The conservation objectives for the SPA are to ensure that the integrity of the site is maintained or restored and that the site contributes to achieving the aims of the Wild Birds Directive. The site's qualifying features include its assemblage of waterbirds, including dark-bellied brent goose, pochard, hen harrier, ringed plover, grey plover, dunlin, black-tailed godwit, and little tern.
34. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) supports sustainable residential growth in Essex while protecting Habitats sites and their wildlife from the increased disturbance from recreation associated with a growth in population. The RAMS identifies that housing and consequent population growth in Essex is likely to increase the number of visitors to sensitive coastal areas, creating the potential for impacts from increased recreational disturbance of birds and their habitats, unless adequately managed.
35. Through providing additional residential accommodation, the proposal would increase recreational pressure on the SPA. The proposal would therefore have likely significant effects on the SPA's qualifying features, alone and in combination with similar development.
36. The RAMS sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since the mitigation includes a range of habitat-based measures such as education, communication, and monitoring, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on relevant designated habitats.

37. The appellant has provided a Unilateral Undertaking (UU) to secure a financial contribution in accordance with the RAMS. This approach can be problematic as there is no obligation on the Council to spend the money as envisaged and in a particular timescale. However, the evidence before me indicates that as a responsible public body it will transfer the funds to the organisation responsible for administering the mitigation strategy.
38. Furthermore, Natural England confirmed it is content the proposed financial contribution toward strategic mitigation is sufficient to avoid an adverse impact to the integrity of the SPA and relevant features, and the UU adequately secures the deliverability of the measures. I therefore consider appropriate mitigation is secured and is necessary to make the development acceptable.
39. The compatibility assessment indicates that since Policy GEN7 seeks to conserve wildlife and geological features, it is partly consistent with the Framework. The compatibility assessment advises the Framework be read in conjunction with this policy. Notably, Framework paragraph 185 safeguards habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity.
40. The Habitats Regulations require that permission only be granted after having ascertained that it will not affect the integrity of European sites. Subject to the secured mitigation, the proposal would not have significant effects on the integrity of the Blackwater Estuary SPA and Ramsar site. The proposal would therefore satisfy the requirements of the Habitats Regulations.
41. The proposal would comply with ULP Policy GEN7 which generally restricts development that would have a harmful effect on wildlife or geological and requires measures to mitigate and/or compensate for the potential impacts of development be secured.

Other considerations

Need for and supply of pitches

42. Paragraph 9 of the PPTS requires the Council set pitch targets to meet the accommodation needs of gypsies and travellers in their area. The Gypsy and Traveller Accommodation Assessment 2017 (GTAA) identifies a need for up to 18 pitches over a five-year period where additional need for unknown households is taken into account. The baseline date of the GTAA is September 2016 and therefore the five-year period to which it relates has elapsed. The GTAA is therefore out of date and does not provide a reliable assessment of the district's current need for pitches.
43. During the hearing, the Council explained it had recently assessed the need for pitches to inform preparation of its emerging Local Plan. The Council indicate the new assessment identifies a current unmet need for 18 pitches. However, the assessment was not submitted during the appeal and therefore its findings and methodology are not available for scrutiny. Therefore, the quoted need figure cannot be relied upon, and I have not been provided with a robust assessment of the current need for pitches.
44. Paragraph 10 of the PPTS requires the Council identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against its target.

45. The Council has provided a five-year land supply position statement dated December 2021. The statement is aged and cannot comprise an annual update of supply. Nonetheless, the statement indicates a supply of four additional pitches (net) has been granted planning permission. In addition, I have been provided an appeal decision from 2023 in which planning permission was granted for one additional pitch².
46. In the absence of a robust and up-to-date assessment, the unmet need for pitches is unknown. However, even if I were to accept the Council's position that there is a need for 18 pitches, the available information on the supply of pitches demonstrates a substantial shortfall against the need.
47. Some residents suggest there are pitches available at an existing traveller site in a neighbouring parish. I was provided no evidence of the number of vacant pitches and from my site visit I was unable to determine if pitches were vacant and available. As discussed above, the Council consider there to be an unmet need for pitches, and it is not likely that there is a surplus of available pitches.
48. The emerging Local Plan intends to include policies and allocations for traveller sites. At time of the hearing, the emerging Local Plan had completed its regulation 19 consultation and is expected to be submitted for examination shortly. However, I have not been provided details of the timetable for adoption of the emerging Local Plan and have been provided no details of the availability or deliverability of its draft site allocations. Therefore, I have no evidence to suggest the emerging policies and allocations will increase the supply of pitches in the short term.
49. The FNP is less than five years old. FNP Policy FEL/HN1 seeks to meet housing needs over the plan period through its site allocations. The FNP suggests its preparation was informed by a survey to determine affordable housing needs, and its housing requirement and allocations are based on a methodology that reflects local circumstances and the range of sites that may come forward. The FNP contains policies and allocations to meet the housing needs of the settled community. However, the FNP contains no policies or allocations for the provision of traveller sites or pitches.
50. PPTS sets out how travellers' housing needs should be assessed, which includes engagement with both settled and traveller communities, including discussing travellers' accommodation needs with travellers themselves, their representative bodies and local support groups. I have no evidence that such an assessment was undertaken to inform preparation of the FNP.
51. During the hearing, it was asserted that the FNP's consultation stages and housing surveys would have provided opportunity for respondents to identify accommodation needs for gypsies and travellers. However, I have no evidence before me that the methodology for such community consultation included consideration of the needs of gypsies and travellers. The parish council and many residents have drawn my attention to an existing traveller site in the local area. From my site visit, I found the existing site lies outside the Felsted Neighbourhood Area and therefore I cannot be certain its occupants would have been consulted during preparation of the FNP. The FNP does not identify a housing requirement, policies, or allocations to meet the accommodation needs of gypsies and travellers and is therefore silent on this matter.

² Appeal ref: APP/C1570/W/20/3259029

52. The proposed development would provide five additional pitches. This would significantly increase the supply of pitches in the district. Within the context of uncertainty of unmet need and limited available supply, the provision of five pitches to meet the accommodation needs of Gypsy and Travellers represents a substantial benefit.
53. In addition, the Council recognise that construction of the scheme, and use of local services and amenities by future occupants would support the Framework's economic objectives. Due to the scale of the proposed development, such economic benefits would be modest.

Future occupants

54. The appeal scheme is seeking a general permission for a Gypsy and Traveller site and is therefore not predicated on the personal circumstances of any specific individuals. There is nothing before to suggest that refusal of the proposal would leave anyone without alternative accommodation or that an approval would serve the best interest of any particular child.
55. Nevertheless, the future occupants of the pitches are likely to have the protected characteristic of race under s149(7) of the Equality Act 2010. In such circumstances, s149(1) of the Equality Act required due regard to be had to the need to, amongst other matters, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not. This includes minimising disadvantages that are connected to that characteristic, such as access to suitable accommodation. This is the Public Sector Equality Duty (PSED).
56. The appeal scheme would facilitate the establishment of a base from which to pursue a nomadic lifestyle. This would allow cultural traditions to be balanced with the practicalities of modern living, thereby advancing equality of opportunity. The absence of a five-year supply of pitches also indicates inequality in housing opportunities and the proposal would help to offset this. These are important points in achieving the social sustainability sought by Paragraph 13 of the PPTS. It does not automatically follow that the appeal should be permitted because the PSED is relevant, but the equality implications of allowing the proposal weight moderately in favour of it in this instance.

Other Matters

57. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires I have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess. Millbank Farmhouse and Blackhorse Cottage are Grade II listed buildings lying north and south of the appeal site, respectively.
58. Millbank Farmhouse is a timber frame and plastered 15/16th century building with later twentieth century additions that includes an inscription on the bressummer stating 'George Boote made this house in 1598'. Its significance lies in its architectural and historic interest as a 16th century farmhouse and its association to George Boote, a local carpenter and builder. The farmhouse includes curtilage buildings, a large garden which contributes to its setting and extensive natural screening. The garden land provides physical separation, and the vegetated boundaries and curvature of Chelmsford Road would generally obscure views between the listed building and proposed development from

public vantage points. The proposal would not harm the significance of Millbanks Farmhouse or its setting.

59. Blackhorse Cottage is a 15th century timber framed and plastered thatched cottage with gabled dormer. Its significance lies in its architectural and historic interest as a well-preserved 15th century cottage. It is situated on the opposite side of Chelmsford Road from the appeal site, beyond a modern dwelling. These features provide visual and physical separation between the site and Blackhorse Cottage. The proposed development would cause no harm to its setting.
60. The proposal would have a neutral effect on the listed buildings, their settings, and features of special architectural and historic interest. The proposal would therefore preserve listed buildings in accordance with the Act.
61. Concerns were raised regarding the effect of the proposal on highway safety due to the volume and speed of traffic on Chelmsford Road. The parish council and some residents were critical of the period the traffic survey was undertaken which coincided with school holidays. However, through relocating the access and by demonstrating adequate visibility splays, the local highway authority considers the proposal would be acceptable in highway safety terms. The traffic movements associated with the proposed development would not be significant within the context of the volume of traffic using Chelmsford Road. Therefore, the proposal would not significantly increase traffic or air pollution.
62. During the hearing, I heard how the FNP had been successful in facilitating the construction of a new GP surgery. However, there remain local concerns that other services and facilities lack available capacity, particularly in light of recent housing development in the area, including the primary school which is believed to be full in some year groups. The proposed development is comparatively small in scale, and I have been provided no evidence that it would place undue pressure on the capacity of local services.
63. Chelmsford Road provides separation from dwellings to the south, and the nearest dwelling to the north lies beyond a large area of garden land. The site would be in residential use, and commercial activities can be restricted through a planning condition. Furthermore, external lighting can be managed through a condition to avoid light pollution. Therefore, I am satisfied there would be adequate separation distances from surrounding dwellings to avoid noise and disturbance, and the proposed development would not therefore harm the living conditions of neighbouring occupants.
64. Land opposite the appeal site is understood to be maintained for the benefit of wildlife by a local ecology group. The land is not subject to any local or statutory designation. The appeal site is separated from this land by Chelmsford Road. As discussed above, external lighting can be controlled through a planning condition. In addition, a landscaping condition would require details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife. I therefore have no reason to consider the proposal would harm wildlife, either on site or within the area.
65. The proposed development would result in a loss of Grade 2 agricultural land. However, the Council's assessment concludes the extent of farmland loss would not be significant and would not conflict with the development plan.

66. Concerns were raised by some residents that, in the future the appellant may seek to expand the site or obtain planning permission for alternative development types, such as market dwellings. I have no evidence to suggest an alternative development would be sought and have determined the appeal on the basis of the proposal before me.

Planning Balance

67. Policy H of the PPTS requires applications for gypsy sites be assessed in accordance with specific policies in the Framework and the PPTS and should include consideration of other relevant matters such as the existing level of local provision and need for sites.
68. The Council is currently unable to meet the identified accommodation needs of gypsies and travellers. Permitting an additional five pitches would make a significant contribution to the undersupply and attracts weight accordingly.
69. As discussed above, the proposal would not comply with FNP Policies FEL/CW1 and FEL/ICH1 and would not fully comply with ULP Policy S7. The FNP contains no policies or allocations for the provision of traveller sites or pitches and therefore the provisions of Framework paragraph 14 are not engaged.
70. Failure to comply with the development plan would result in moderate harm to the character and appearance of the area. However, this harm is outweighed by other material considerations including the general need for gypsy and traveller sites and the lack of progress made in meeting them. Therefore, I conclude that, in this instance, there are other material considerations which warrant a decision other than in accordance with the development plan.
71. This balancing exercise draws a different conclusion to that undertaken in the previous appeal decision. However, in the previous scheme, the Inspector afforded substantial weight to harm to highway safety. For the current proposal, this matter has been overcome to the satisfaction of the local highway authority. In addition, the re-designed layout would have less severe adverse impacts on character and appearance. Furthermore, more than two years have elapsed since the previous appeal decision with limited evidence of progress toward meeting the unmet need for pitches. Consequently, the circumstances of the balancing exercise for the appeal proposal are significantly different to the previous decision.

Conditions

72. The Council has suggested conditions which I have considered against the Framework and Planning Practice Guidance. In addition to the standard time limit for commencement, in the interests of certainty I have imposed conditions to ensure the development is carried out in accordance with the approved plans and to specify the number of caravans which may be sited on each pitch.
73. To ensure the site is available to Gypsies and Travellers, I have included a condition restricting occupation to persons with a nomadic habit of life.
74. To avoid disturbance to living conditions and the environment, I have included conditions restricting commercial activities and stationing of heavy vehicles, and to manage use of external lighting.

75. In the interests of maintaining the character and appearance of the area, I have included conditions requiring submission of details of hard and soft landscaping, implementation of such landscaping works, and submission of design details of caravans and day rooms.
76. During the hearing, inclusion of an additional condition to provide further biodiversity enhancement was discussed. The proposal is not subject to the requirements of the national mandatory Biodiversity Net Gain and ULP Policy GEN7 seeks only the enhancement of biodiversity through the creation of appropriate new habitats. I am satisfied this would be achieved by criterion (h) of the landscaping condition.
77. To protect health and the environment, I have imposed a condition setting out action to be taken in the event contaminated land is discovered. In the interests of highway safety, conditions securing the provision of visibility splays, construction of the access, restricting the position of any gates, use of a bound surface material, and provision of parking are imposed.

Conclusion

78. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Site Location Plan @ 1:1250, Site Layout as Existing 2023-09-500; Site Layout as Proposed 2023-09-501-E; Floor Plan of Amenity Building Scale 1:100; Elevations of Amenity Building Scale 1:100; Fence detail Drawing No PBA 3 Scale 1:20; Landscape Layout as Proposed 2023-09-900-E; Typical Landscaping Details 2023-09-1000; Entrance Road Details 2023-09-1001.
- 3) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 4) There shall be no more than 5 pitches on the site and on each of the pitches hereby approved 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, shall be stationed at any time, of which only 1 caravans shall be a static caravan.
- 5) No commercial activities shall take place on the land, including the storage of materials.
- 6) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 7) Prior to any caravan being brought onto the site, details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure, and the extent of the area to be illuminated, shall be submitted to and approved in writing by the local planning authority. Only the details thereby approved shall be implemented.
- 8) Prior to any caravan being brought onto the site, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:
 - a) Proposed finished levels
 - b) Means of enclosure
 - c) Car parking layout
 - d) Vehicle and pedestrian access and circulation areas
 - e) Hard surfacing, other hard landscape features and materials
 - f) Existing trees, hedges or other soft features to be retained
 - g) Planting plans, including specifications of species, sizes, planting centres, number and percentage mix
 - h) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
 - i) Details of siting and timing of all construction activities to avoid harm to all nature conservation features
 - j) Location of service runs
 - k) Management and maintenance details

- 9) All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.
- 10) Final design details of the static caravans/day rooms/cabins to be erected/sited at the site shall be submitted to and approved in writing by the local planning authority. The static caravans/day rooms/cabins shall subsequently be erected/sited at the site in accordance with the approved details.
- 11) If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.
- 12) Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splays as shown on DWG no 2210057-02 Rev A as measured from and along the nearside edge of the carriageway and forward visibility splay as shown on DWG no 2210057-04 Rev A. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 13) Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The access shall be provided with two 2 metre footways either side with an appropriate transition to the verge. The width of the access at its junction with the highway shall be 6 metres, shall be retained at that width for 10 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.
- 14) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 10 metres from the back edge of the carriageway.
- 15) No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary.
- 16) The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

- Mr Philip Brown BA (Hons), agent
- Mr Christopher Allen, appellant
- Mr Philip Diamond, landowner

FOR THE LOCAL PLANNING AUTHORITY:

- Ms Natasha Vernal RTPi, Senior Planning Officer
- Mr Lindsay Trevillian, District Wide Team Leader

INTERESTED PARTIES:

- Cllr Richard Freeman, Felsted Parish Council
- Mr Griffiths, local resident
- Mrs Reed, local resident
- Mr Reed, local resident
- Cllr Silcock, local resident and district councillor