
Appeal Decision

Hearing held on 3 December 2024

Site visit made on 3 December 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal Ref: APP/L3815/W/24/3348420

Deanhome Nursery, Keynor Lane, Sidlesham, West Sussex PO20 7NL

- 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 Messrs A & J Grantham against the decision of Chichester District Council.
 - The application Ref is SI/23/02489/FUL.
 - The development proposed is change of use of land for siting of a mobile home for agricultural worker.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land for siting of a mobile home for agricultural worker at Deanhome Nursery, Keynor Lane, Sidlesham, West Sussex PO20 7NL in accordance with the terms of the application, Ref SI/23/02489/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. It is clear from the appeal documentation and my site visit that the mobile home was on site and being occupied. As such the development had already commenced. The use of the site and position of the mobile home reflects the submitted plans before me and for the avoidance of doubt, I have determined the appeal based upon these plans.
3. During the course of the appeal two completed Section 106 Unilateral Undertakings (UU) were submitted. The first of these secures the payment of a financial contribution for mitigation related to the Chichester and Langstone Harbours Special Protection Area and Pagham Harbour Special Protection Area (SPAs). The second secures the payment of a financial contribution to the Strategic Road Network associated with the A27.
4. Although the Council confirmed prior to the Hearing that the second reason for refusal related to the SPAs had been adequately addressed through the payment of the relevant financial contribution secured via the related UU, as the competent authority in relation to this appeal, I am required to consider this matter and the related duties under the Conservation of Habitats and Species Regulations 2017. As a result, I will deal with this as a main issue.
5. With regard to the second UU related to the Strategic Road Network, during the course of the appeal the Council adopted the A27 Chichester Bypass Mitigation Supplementary Planning Document October 2024 (2024 SPD). While the

appellant has submitted the second UU and paid the related financial contribution as required by the 2024 SPD, they questioned the planning justification for this both before and at the Hearing. As a result, this also forms a main issue.

6. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst paragraph numbers have altered, any policies that are material to this decision have not fundamentally changed. I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.

Agreed Matters

7. Before the Hearing the parties submitted a statement of common ground (SOCG). This describes the appeal site, planning history, planning policy context and indicates matters agreed and not agreed. Those not agreed reflect the first and third reasons for refusal.
8. The SOCG confirms that the site is located in the countryside for the purposes of planning policy, that the proposal does not relate to an isolated new dwelling in the countryside, that there is no harm to the character and appearance of the area, no harm to the living conditions of neighbouring occupiers, and that recreational disturbance on the Chichester and Langstone and Pagham Harbour SPAs can be mitigated by a financial contribution. Furthermore, the SOCG confirms that the emerging Chichester Local Plan 2021-2039: Proposed Submission (ELP) having reached its 'Regulation 19' consultation with Hearings commenced carries some weight. I have no reason to disagree.
9. At the Hearing, there was no dispute between the parties that the horticultural use of the wider site falls under the definition of agriculture.

Main Issues

10. In light of the preliminary and agreed matters above, the main issues are:
 - whether there is an essential need for a mobile home to accommodate a rural worker living permanently at the appeal site;
 - the effect of the proposal upon the highway network with respect to a financial contribution towards A27 mitigation; and,
 - the effect of the proposal on the integrity of European, nationally, and internationally protected sites.

Reasons

Background

11. The appeal proposal seeks residential accommodation in the form of a mobile home to support a rural enterprise comprising a horticultural nursery.
12. At the Hearing, Mr Wozniak explained that the wider nursery land has a complex ownership arrangement incorporating an adjoining nursery with the irrigation system split into a number of zones and comprising a high number of polytunnels, greenhouses and outdoor growing of plants. Furthermore, it was explained that the irrigation system is restricted by the amount of water that can be stored on site and the need to water plants in each of the separate

zones at separate times. As a result, watering is fairly continuous throughout the year, results in high monthly bills and as a result there is a need to minimize leaks and ensure efficiency when watering.

13. It was also explained by Mr Thomas that it is very difficult to get staff for such rural activities and that it is unviable for the business to afford shift workers or separate overnight or weekend staff. This was supported by evidence presented by the appellants related to the majority of existing staff living at the edge of Bognor Regis for financial reasons and the need to allow staff to finish shifts at 4pm due to travel difficulties in the area.

Whether essential need

14. Policy 37 of the Chichester Local Plan: Key Policies 2014-2029 (LP), amongst other things, permits accommodation to meet the needs of full-time rural workers in agriculture requiring a countryside location. Criteria one states that proposals should demonstrate that the provision on-site is essential for the operation of the business. Criteria two states that it should be demonstrated that no suitable accommodation exists or could be made available in established buildings on the site or in the immediate vicinity. There is no dispute between the main parties that the proposal complies with criterion 3, 4 and 5. I have no reason to disagree.
15. I heard that the use has been operating from the site since approximately 2012, with the existing mobile home on the site since approximately 2018. An argument to underpin the essential need for the rural workers dwelling was advanced. This principally concerns the need for continuous irrigation, protection against adverse weather conditions, security, and lack of alternative accommodation. I will deal with each in turn.

Irrigation

16. At the time of the Hearing, I was told that the business had grown from approximately 10 acres and 5 staff in 2012 to approximately 29 acres and 15-20 staff at present. It was stated by Mr Wozniak that the business grows and supplies plants all year round with approximately 200 different products in stock.
17. I heard, and accept, that the irrigation system on site is complex serving individual buildings and zones with the watering of the plants critical to the success of the business. I was informed that due to restricted water supply, storage, and pumps, and due to the complex ownership situation, watering of the plants has to be carried out manually and is carefully controlled and carried out in zones in conjunction with the adjacent nursery. I was advised that this makes the watering of plants time-consuming and irregular in time and length.
18. The watering process is dictated by the weather, but generally requires a full-time worker, with help, watering each zone 2 to 3 times each day of the week and including weekends. In hotter weather, this also necessitates watering and checking of the irrigation system and plants of an evening and at night. Daily decisions are made with regard to the amount of watering needed.
19. I was further advised that the watering process is carried out all year round but varies by season. In this regard, in the Spring, Summer and Autumn, watering can generally take place overnight at approximately 8pm, 11pm and 5am but in the summer watering could take place hourly requiring on-site presence to

- decide on the watering amounts and to swap pipes to change the zones being watered. There is also a need for the worker to check the sprinklers, carry out any repairs to the watering equipment such that each watering event can take up to an hour. This is the case even with a partly automated system in place.
20. At the Hearing Ms Haigh advised that the Council does not dispute that the irrigation system has limitations and is quite technical to operate. However, the Council is of the opinion that alternatives to on-site accommodation had not been adequately considered. Such alternatives could include separate weekend/evening/shift staff with the lack of seasonal workers, unsociable hours, convenience, and loan-worker implications from staff on site at night not adequate justification for the proposal in terms of LP Policy 37. Furthermore, the Council state that the appellant's case does not represent the need to live permanently at the site in accordance with paragraph 84 a) of the Framework.
21. The appellant's team re-iterated that all rural enterprises suffer from the hire and retention of staff due to shortages and that in light of this, and travel difficulties in the area, it is very difficult to recruit people who want to work evenings, weekends, shift work or overnight. Furthermore, it is not viable for the business to employ workers for these hours, particularly given that the work required to water the plants varies such that there would be periods of down time. As a result, it is more efficient for somebody to live on site and carry out the work of an evening, night and weekends as required.
22. I have some sympathy with the Council's case that the down times of an evening, overnight and weekend questions the need for a full-time worker to live permanently at the site and agree that loan-worker safeguards could be put in place. However, I am convinced by the appellant's case that it is difficult to recruit staff for such irregular work at unsociable hours and that whilst the requirement to be on site is for sporadic periods of time throughout the evenings and over-night, the frequency and importance of such periods, cost of watering, and need for management, necessitates somebody living permanently at the appeal site. Furthermore, I acknowledge that an overnight employee would affect the viability of the business, that such work is essential to the success of the business, and that there are associated benefits to the business and viability from this work being carried out by an experienced employee living on site.

Weather

23. Mr Wozniak advised at the Hearing, and the written evidence states that at times of extreme weather, particularly high winds, snow and frost, an employee needs to be on site to look after the polytunnels and to make a decision on whether to slacken or cut the ropes holding down the plastic sheet coverings, to move plants threatened by flooding or frost or to provide more ventilation to the tunnels. I was advised that replacing the coverings is very expensive, and as such is only carried out as a last resort requiring somebody with authority and knowledge of the tunnels to carry out such a task. Presence on site enables regular checks during extreme weather.
24. In response, the Council stated that such situations are not unusual, are covered by existing employees on other sites or by shift work with little evidence of the frequency of such occasions provided.

25. The appellant replied by stating that other sites have a much larger workforce to call on with the appeal site not able to rely on less experienced staff who would need to travel to the site from some distance away. Furthermore, this would not be viable.
26. Although I acknowledge that it would be more convenient for somebody living on site to check the tunnels in extreme weather, given that such weather can be fairly accurately forecast, I see little reason why such events could not be adequately dealt with by a manager being called to site infrequently. This may require an on-site office, but I was not presented with any reasons why such an office could not be provided.
27. Furthermore, when asked about the frequency of such extreme weather events and the number of times the ropes had been cut over the last year, I was advised that it almost occurred a couple of weekends ago in 60mph winds but was not necessary. Moreover, there had been no events to date in 2024 that required the ropes to be cut.
28. In light of this, and although I acknowledge that the evidence before me includes photos of a previous event when the coverings were damaged due to a storm, I do not find that such infrequent events on their own justify a permanent on-site presence.

Security

29. At the Hearing Mr Wozniak and Ms Appleton advised that security is a growing issue at the appeal site with recent examples nearby of a car being set on fire and groups of people stealing gardening equipment. Furthermore, the presence of a public footpath running through the site with boundary fencing being able to be climbed leaves the site vulnerable.
30. However, I was also advised that there are security cameras at the site linked to mobile phones, 960m of fencing and neighbours that report people in the area. While Ms Appleton clarified that security of its own is not a reason for the mobile home, I was also advised at the Hearing that there had been no recent break-ins at the appeal site.
31. In light of this, I concur with the Council that it does not provide adequate justification for a permanent dwelling at the site with other measures available to improve security, such as enhanced fencing and signage.

Alternative accommodation

32. As stated above, at the Hearing Mr Cleveland produced evidence detailing the sale price of properties within a 3km radius of the site over the last 10 years. This shows an overall average sales price of just under £600,000. Given this, and as the appellants have not been able to find existing accommodation nearby that is affordable to the business, they have resorted to the mobile home option that is considerably cheaper.
33. In response to a point raised by the Council that a larger radius of up to 6km would encompass a larger range of settlements and a lower average house price, Mr Cleveland acknowledged that within a 5km radius the average house price falls to nearer £400,000.

34. Nonetheless, at either price, I acknowledge that such expense would be considerable. Moreover, Mr Wozniak advised that he had been looking but could not afford any houses nearby.
35. Given that neither party was aware of any available properties nearby and given that LP Policy 37.2 states that such properties should be available in the 'immediate vicinity', I am satisfied that no suitable accommodation exists or could be made available in the immediate vicinity of the site.

Conclusion

36. Although I acknowledge the Council's case that the need for a worker to be on site at random hours throughout the night, as opposed to being continuously needed, does not in its view equate to an essential need, I find nothing in LP Policy 37 that states that an essential need means 24-hour continuous working. Policy 37 simply states that it is essential for the operation of the business.
37. In light of the complexity and timing of the irrigation system, difficulty in recruiting seasonal and shift/overnight work, need for staff to water plants late at night, overnight and early in the mornings, and impact upon the viability of the business from a lack of on-site presence, overall I am convinced from the evidence that there is an essential all year round need for a rural worker to live at the site to support the operation of the business. Such factors exacerbate instances where action might be needed at very short notice, including at night and throughout the year. Furthermore, there is little evidence before me, and none put forward at the Hearing, demonstrating the availability of another dwelling within the immediate vicinity that could fulfil the essential need.
38. For the reasons given above, I conclude that the need for accommodation for a rural worker has been adequately demonstrated. The proposal therefore complies with LP Policies 1, 2, 37 and 45 that restrict residential development in the countryside to a location that is essential for the operation of the business with no suitable accommodation on the site or in the immediate vicinity.
39. The proposal would also comply with guidance in Sections 2 and 15 and Paragraph 84 of the Framework that requires an essential need to be demonstrated for a rural worker to live permanently at or near their place of work and with advice contained within the PPG in this regard.

Highway contribution

40. Before and at the Hearing the appellant questioned whether the traffic generated from the proposal would result in increased highway congestion to an extent that justifies the payment of a financial contribution outlined in the 2024 SPD. Furthermore, the appellant questioned the status of the 2024 SPD given that it has been produced in advance of the adoption of the ELP amending paragraphs 4.46 – 4.54 of the Planning Obligations and Affordable Housing Supplementary Planning Document 2016 (2016 SPD) that only sought highway contributions towards improvements to the A27 Chichester Bypass from developments of 50 or more additional dwellings.
41. While funding has been achieved for highway works through the 2016 SPD, the Council is of the view that the increase in costs over the time since the adoption of the LP and the 2016 SPD mean that the mitigation of highway impacts from further housing could not be delivered.

42. In order to address this, the Council has recently adopted the 2024 SPD. This document specifically states that it is seeking to achieve the aims of the adopted LP rather than the ELP. The 2024 SPD provides an interim position for the continued provision of what the current LP is seeking to achieve under LP Policies 8 and 9.
43. Although National Highways (NH) and West Sussex County Council have not stated that a contribution is required from this development or identified 'severe' cumulative impacts, the requirement in the 2024 SPD for all development to contribute towards highway improvements is clear with the severe highway impacts from not doing so being further congestion cumulatively resulting from developments. I was advised at the Hearing that the 2024 SPD was subject to two rounds of consultation. Furthermore, the NH comments pre-date the adoption of the 2024 SPD.
44. At the Hearing my attention was drawn to very recent appeal decisions¹ in the district. I have no reason to disagree with the Inspector for those appeals who found that 'As a matter of principle, particularly given the economic conditions that have occurred since the adoption of the LP and the 2016 SPD, it is sensible for the Council to update through that process the financial contributions required to deliver what the LP is seeking to deliver. They have adopted the 2024 SPD following public consultation and also whilst trying, without success, to secure the gap funding from central government. They also abandoned their previous attempt at providing an updated SPD because in part it was acknowledged that it could arguably be criticised for relating to developments being brought forward through the ELP which was at that time in its formative stages. The 2024 SPD adds further detail to the LP Policies, how those aims may be achieved and does not conflict with those policies. It is a material consideration to which I can give substantial weight.'
45. At the Hearing, the Council produced an email from the Divisional Manager Planning Policy² that details that a Transport Infrastructure Management Group to oversee implementation of appropriate mitigation as required by LP Policy 9 is being set up. The core group comprises Chichester District Council, West Sussex County Council, National Highways, Arun District Council and Hampshire County Council. The remit of the group will be to advise and develop transport mitigation strategies, principally junction improvements to the A27 Chichester Bypass but also alternative forms of mitigation.
46. Although I have had regard to the Appellant's concerns regarding the lack of a specific project identified to which the financial contribution would be put towards, it is clear from the 2024 SPD and the further evidence that it would go towards mitigating improvements to the A27 Chichester Bypass. This may be in the form of works to the related junctions of the A27, or to highway works related to these junctions that would result in improvements to the flow of traffic on the A27. I am therefore satisfied that the financial contribution would address the aims of the 2024 SPD and be put towards mitigating highway impacts on the A27 from further housing.
47. At the Hearing Mr Cleveland advised that viability testing of the 2024 SPD was restricted to 5 dwellings or more. Whilst I have little evidence before me in this

¹ APP/L3815/W/24/3341520 and APP/L3815/W/24/3341439

² Tony Whitty dated 02 December 2024

regard, it was not put to me at the Hearing that the contribution would make the current appeal proposal unviable.

48. As a result, the generation of additional traffic upon the A27 Chichester Bypass junctions therefore needs to be mitigated for. In light of this, I find that the financial contribution secured via the related UU meets the tests for planning obligations in the Framework and the statutory tests within regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
49. In relation to this main issue with the contribution secured through the submitted UU in accordance with the 2024 SPD, the proposals would have a satisfactory effect upon the highway network with respect to a financial contribution towards A27 mitigation. The necessary delivery of transport infrastructure would be provided for which comply with LP Policy 9, the 2024 SPD and Policies I1, T1 and T2 of the ELP. Amongst other things, these require that development proposals should provide or fund new infrastructure, mitigate the impact of the development on existing infrastructure as well as funding or contributing to improvements to increase the effectiveness and efficiency of infrastructure, provide for off-site infrastructure required as a result of the development, mitigate the impacts of travel by car and contribute towards a safe transport network.
50. In this regard, the proposal also complies with the provisions of the Framework in promoting sustainable travel and mitigating any significant impacts from development.

Integrity of protected sites

51. The appeal site is within the 5.6km Zone of Influence of the Chichester and Langstone Harbours Special Protection Area (CSPA) and within 3.5km of Pagham Harbour Special Protection Area (PSPA). The Habitat Regulations require that where a project is likely to result in a significant effect on a European site, the competent authority is required to undertake an appropriate assessment of the implications on the integrity of the European site in view of its conservation objectives. Any likely significant effects arising from the development need to be considered alone and in combination with other development in the area.
52. The Qualifying Features of the CSPA include non-breeding goose, shelduck, wideon, teal, pintail, shoveler, merganser, plover, Sandlerling, Dunlin, godwit, curlew, redshank and turnstone and breeding terns. The Qualifying Features of the PSPA include goose, Ruff and terns.
53. By reason of an increase in residential population, the development is likely to result in recreational disturbance from human activity through increased visits, dog walking, cycling, jogging and walking unless suitable mitigation measures are secured.
54. The Council's strategy for achieving mitigation of increased recreational pressure on the SPAs is set out within the Bird Aware Solent Recreation Mitigation Strategy (December 2017) (SRMS). The mitigation in the SRMS comprises funding for provision of sites of new/enhanced green space, provision of site access management, educational measures, and monitoring. The SRMS indicates that funding will be via financial contributions and has been arrived at in conjunction with a number of partners including Natural England,

the appropriate nature conservation body under Regulation 63(3). Consequently, subject to an appropriate financial contribution being made, I am satisfied that likely significant effects to the ecological integrity of the SPAs would be avoided.

55. As stated above, a signed Unilateral Undertaking has been submitted by the appellant and accepted by the Council. This provides a financial contribution towards ecological monitoring and management arrangements in that context, consistent with the Council's approach. I have consulted with Natural England which has confirmed that the payment is sufficient to avoid adverse impacts on the integrity of the European Sites and their features. Consequently, I am satisfied that likely significant effects to the ecological integrity of the SPAs would be avoided in accordance with LP Policy 50 and the related provisions of the Framework that seek to protect the integrity of international, national and local designations and secure appropriate avoidance and/or mitigation measures to ascertain that the development would not adversely affect the integrity of the SPAs.

Other Considerations

56. My attention has been drawn to another appeal decision in Sidlesham³ but I do not have full details of the circumstance of this case and have been advised by the appellant that it relates to additional residential accommodation for family members. As such, I cannot be sure it is directly comparable to the current appeal proposal. Moreover, I am required to consider the appeal on its merits.

Conditions

57. I have had regard to the conditions discussed at the Hearing and to the conditions provided by the main parties in the SOCG. I have considered these against the advice in the Framework and PPG. I have amended some conditions in the interests of precision and clarity.
58. As the development has already commenced, there is no need for the standard time condition.
59. As set out above, any residential use of the land is only acceptable to support the rural business. A condition is therefore necessary to ensure that the development complies with national and local policies for developments in open countryside.
60. A condition is necessary to ensure the provision of a hedgehog nesting box, bird box and bat box in the interests of ecology. Although there was some discussion at the Hearing regarding the need for the hedgehog box, Mr Wozniak helpfully confirmed the presence of hedgehogs at the nursery and on the appeal site. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval of the details. The condition will ensure that the development can be enforced against if the requirements are not met.
61. A condition is necessary to ensure the provision of suitable car and cycle parking within the site in the interests of highway safety and to ensure the use of other means of travel than the car. As with the ecological enhancement condition, there is a strict timetable for compliance because permission is being

³ APP/L3815/W/22/3307155

granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval of the details. The condition will ensure that the development can be enforced against if the requirements are not met.

62. I was advised by Ms Haigh at the Hearing that the site is in a sensitive location for bats. Given this, and given the rural location of the site, a condition is necessary to ensure no external illumination without the prior agreement of the Council in the interests of protecting the character and appearance of the area and protection of bats.
63. A condition is suggested to ensure that no walls, fences, gates, or other means of enclosure are constructed on the appeal site. However, given that the appeal site is not highly visible from the public domain and is already located behind fencing and the access gates, any further walls, fences, or gates would not harm the character or appearance of the area. As such this condition is not reasonable or necessary.
64. A further condition is suggested ensuring that no additional hardstanding shall be laid within the site but given the small size of the red-line site, extent of adjacent hard surfacing and the hard surfaced nature of a considerable part of the appeal site, such a condition is not necessary or reasonable.
65. I have had regard to the comments from Sidlesham Parish Council requesting that any permission be temporary with a condition added that the caravan will not be removed to build a house in its place. However, in light of my findings above, given that a temporary consent is not required by LP Policy 37, and given that a planning application would be required to replace the mobile home with a dwelling, I do not find such conditions reasonable or necessary.

Conclusion

66. For the reasons given above, I conclude that the appeal should be allowed.

C Rose

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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| Dawn Appleton | – | Senior Planner, Henry Adams LLP |
| Peter Cleveland | – | Partner, Head of Planning, Henry Adams LLP |
| Tomaz Wozniak | – | Employee and occupier of mobile home |
| Andrew Thomas | – | Partner, Head of Rural and Farming, Henry Adams LLP |

FOR THE LOCAL PLANNING AUTHORITY:

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| Sascha Haigh | – | Senior Planning Officer, Chichester District Council |
| Martin Mew | – | Principal Planning Officer, Chichester District Council |

DOCUMENTS submitted at the Hearing:

1. Comparable house price data – 3km radius of the appeal site.
2. Email dated 02 December 2024 from Tony Whitty, Divisional Manager, Planning Policy Chichester District Council.
3. Copy of Appeal Decisions APP/L3815/W/24/3341520 and APP/L3815/W/24/3341439.

SCHEDULE OF CONDITIONS

- 1) The occupation of the mobile home for residential purposes shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in the Act) or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 2) Unless within 6 months of the date of this decision, the following ecological enhancements:
 - a) A hedgehog nesting box
 - b) a bird box
 - c) a bat boxhave been provided on site in accordance with details submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within 2 months of the Local Planning Authority's approval, the use of the site shall cease until such time as a scheme is approved and implemented.

Upon implementation of the approved scheme, the use shall operate strictly in accordance with the approved details for the duration of the use.

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

- 3) Unless within 6 months of the date of this decision, details of cycle parking, vehicle parking and refuse storage facilities have been provided on site in accordance with details submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within 2 months of the Local Planning Authority's approval, the use of the site shall cease until such time as a scheme is approved and implemented.

Upon implementation of the approved scheme, the use shall operate strictly in accordance with the approved details for the duration of the use.

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

- 4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended, there shall be no external illumination on the development other than in accordance with a lighting scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the proposed location, design, level of luminance and any measures to avoid light spillage. The lighting scheme shall thereafter be maintained in accordance with the approved details in perpetuity.

END OF SCHEDULE