



Appeal Decisions

Hearing held on 4 December 2024

Site visit made on 5 December 2024

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 12 February 2025

Appeal A Ref: APP/P0240/C/23/3327551

Plot 4 Paradise Farm, The Causeway, Clophill, Bedfordshire, MK45 4BA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Walter Varey against an enforcement notice issued by Central Bedfordshire Council.
- The enforcement notice was issued on 13 July 2023.
- The breach of planning control as alleged in the notice is failure to comply with conditions imposed on a planning permission granted under reference CB/18/02424/FULL on 4 September 2019.
- The development to which the permission relates is the demolition of existing stables and the use of land for the stationing of caravans for residential purposes (retrospective).
- The notice alleges that certain conditions have not been complied with as follows: *Without planning permission, the breach of conditions 1,3,4, and 5 of planning permission CB/18/02424/Full, by failing to implement and maintain flood evacuation plan, storing materials and equipment not relating to the authorised use of the Land, siting of additional mobile home in addition to the approved mobile home and two touring caravans, siting of approved mobile home not in accordance with approved plans and construction of timber building with kennel enclosure not in accordance with approved plans for dayroom.*
- The requirements of the notice are to: (1) take down the timber building and remove it from the land; (2) remove the additional unauthorised mobile home from the land and re-site the approved mobile home; (3) remove all stored building materials and vehicles from the land connected with commercial landscaping activity; and (4) reinstate the layout of the land to comply with the approved flood evacuation plan and the approved plan 18 914 003 revision C.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: the appeal succeeds on ground (b) and the notice is quashed.

Appeal B Ref: APP/P0240/W/23/3327577

Plot 4 Paradise Farm, The Causeway, Clophill, Bedfordshire, MK45 4BA

- 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 Walter Varey against the decision of Central Bedfordshire Council.
- The application reference is CB/22/02081/FULL.
- The development proposed is the stationing of two additional mobile homes for residential purposes, a larger dayroom and area of hardstand ancillary to that use in association with the existing gypsy/traveller pitch granted planning permission on 4 September 2019 (Ref: CB/18/02424/FULL).

Summary Decision: the appeal is allowed and a conditional permission is granted.

This decision is issued in accordance with section 56(2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 9 January 2025.

Preliminary Matters

1. The hearing is now closed.
2. I carried out an unaccompanied site visit on 5 December at which the appellant afforded me access to the site but did not otherwise engage with me.
3. The parties were asked to comment following the hearing on changes made to national planning policy, both generally and as it relates to Gypsy and Traveller sites, the week after the hearing took place. Responses were received from both parties and those replies have been taken into account.

Appeal A

The appeal on ground (b)

4. The main issue arising for consideration under ground (b) is whether or not the matters alleged in the enforcement notice have occurred. The appellant abandoned a complaint that the enforcement notice had not been duly authorised or issued. Notwithstanding the alleged wide-ranging breach of conditions, the parties were agreed at the hearing that the relevant planning permission itself had been implemented and was extant. That permission was dated 4 September 2019 and allows the demolition of existing stables and the use of land for the stationing of caravans for residential purposes (retrospective).
5. The notice the subject of Appeal A does not expressly state which of the planning conditions each element of the allegation refers to, and upon examination of the relevant permission this is somewhat difficult to discern in some respects. The allegation in respect of the flood evacuation plan appears to relate to condition 1. This required that a flood evacuation plan be submitted to the Council for approval in writing, within three months of the date of the permission. The condition further requires that 'the development shall be maintained in accordance with the flood evacuation plan'.
6. There is no requirement in the condition to 'implement' the flood evacuation plan, constituting an alleged misdemeanour in the notice. The approved flood evacuation plan depicts evacuation routes at the site, and these have been partially built over or otherwise obstructed, particularly the assembly point in the site's north-western corner.
7. Condition 3 prohibits commercial activity at the site, including the storage of materials. The notice does not allege any commercial activity. It alleges storage of materials and equipment unrelated to the authorised land use as a caravan site. That does not in itself amount to a breach of condition 3 but appears to allege a material change of use of the land.
8. Condition 4 requires that no more than three caravans, comprising one mobile home and two tourers, shall be located on the site and occupied for residential purposes. That does not in itself prohibit the siting of more caravans, as alleged by the notice, but it does prohibit the residential occupation of more

than three caravans of the types described. Whilst there has undoubtedly been a breach of this condition, by reason of the residential occupation of two mobile homes on the site, the notice does not properly allege it.

9. Condition 5 is not really a condition at all, because it neither requires nor prohibits anything, but it informs the reader that the permission 'relates only to' the details shown on the plans submitted with the application. There is no general layout condition requiring the mobile home or other caravans to be sited or retained in any particular place. I am unable to discern a breach of any planning condition arising from the re-siting of the (first) mobile home.
10. Nor do I discern a breach of any planning condition arising from the construction of the 'timber building with kennel enclosure'. The permission itself does not expressly authorise any operational development save for the demolition of some existing stables. Insofar as the plans submitted with the application depict any buildings, they depict what is described as a 'utility/dayroom', not a 'timber building with kennel enclosure'. What has been built is something different altogether, and without planning permission.
11. This raises the question whether additional grounds of appeal might have been brought if the allegation had been of operational development carried out without planning permission, to which a four year rather than 10 year limitation period would apply. The appellant asserts that the building has been in situ for more than four years, and at the hearing the appellant also disputed that any 'second bite' notice could apply here, because the allegation would need to be so different from the one raised by the present notice. Thus the appellant claims the fallback position of a lawful (because immune) building. I adjourned, rather than closed, the hearing principally on this point, saying that if my decision was to turn on this question then it may be necessary to receive further information about it.
12. In the light of my findings in relation to Appeal B I consider it unnecessary to seek to rescue the notice under Appeal A. It is clear that several aspects of the allegation have not occurred, principally because what is alleged is not controlled by the relevant planning conditions. There are no conditions requiring a flood evacuation plan to be 'implemented', to prohibit the storage of materials except (which is not alleged) as a commercial activity, to prohibit the siting (without residential occupation, which is not alleged) of further mobile homes, to control the layout of the site or to prevent the construction of a timber building with kennel enclosure.
13. Therefore the Appeal A appeal succeeds on ground (b) and accordingly the notice will be quashed. In these circumstances the appeal under the various other grounds set out in section 174(2) to the 1990 Act as amended and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended do not need to be considered.

Appeal B

Background

14. Appeal B seeks planning permission for what presently exists on the site, and more besides. The application principally seeks the addition of a further mobile home, as well as the additional one that is already on the site. It seeks to retain what is described in the notice as the timber building with kennel

enclosure and in the planning application as a 'larger dayroom'. It also seeks to lay additional hardstanding at the site.

15. The existing condition provides that no more than three caravans shall be located on the site and occupied for residential purposes. This does not appear to me to prohibit the appearance of further caravans, such as touring caravans to be used as accommodation elsewhere when the occupiers of the site travel away for work but which, when on the site, are merely parked or stored. If the condition aimed to prohibit the appearance on the site of any more than three caravans, it could simply have said so without the additional reference to residential occupation.
16. The proposal does not involve increasing the number of families occupying the site. It is presently occupied by the appellant and his two sons and their families. If permission is refused, it was explained to me at the hearing, then those sons and their families will remain living on the site but in the two touring caravans rather than in the mobile homes they seek (and one of which is already present). As set out above, there would be no prohibition on the appearance of additional touring caravans to take travelling.
17. The site lies in Flood Zones 2 and 3. On the plans accompanying the existing permission and flood evacuation plan, the mobile home and two touring caravans are depicted as being sited in the parts of the site in Flood Zone 2. There is however no planning condition restricting the layout of the site to achieve that in perpetuity. An existing condition requires the maintenance of approved flood evacuation routes, which are presently obstructed by some of the development on the site. However, the site is relatively flat and there appears no good reason on flood risk grounds why those evacuation routes cannot be moved.
18. In the absence of a ground (d) appeal having been raised in relation to the enforcement notice, I am unable to determine without further evidence whether or not the 'dayroom' building existing on the site is already immune from enforcement action. There appears a reasonable prospect that it is. The Council's housing officers in their planning consultation response of 2 June 2023 refer to it as having been constructed between 2019 and 2020. The Council clearly intended to grant a permission for the smaller dayroom building that is depicted on the 2019 permission plans, whether or not it actually did so.
19. I raise these points to put the present appeal in its proper context: that is, of a fallback position of potentially the same number of caravans as sought appearing on the site anyway, no overall increase in the number of caravans that would be residentially occupied; no existing controls over whether those caravans are located in Flood Zone 2 or Flood Zone 3 (and no requirements as to their clearance heights above ground); and no objection from the Council to a smaller dayroom building than the (possibly lawful) one that already exists.

Main Issues

20. In that context, a number of issues fall for consideration, although in the light of my findings as to compliance with the development plan I have found it unnecessary to explore all such issues in this decision. The Council's reasons for refusing planning permission (and for issuing the notice) raised five principal issues. They are first whether the development is locationally

appropriate; secondly whether the development would result in harm to the character and appearance of the area; thirdly whether the design and density of the development would result in acceptable living conditions for its occupants; fourthly whether adequate biodiversity provision would be made; and finally whether the development would make adequate provision against flooding and for drainage and flood storage.

Reasons

Location

21. The council's first reason for refusing planning permission identifies a conflict with Policy SP7 of the Central Bedfordshire Local Plan 2021 ('the Local Plan') on the grounds that the site lies outwith an existing settlement envelope. Policy SP7, dealing generally with windfall developments, does envisage permissions outside settlements on (inter alia) previously developed land subject to certain criteria. Policy SP8, relating to allocated Gypsy and Traveller sites, is clear that the principal applicable policy to windfall Gypsy and Traveller sites is policy H7. The supporting text to that policy is clear that sites beyond existing settlement envelopes will be considered, recognising that Gypsies and Travellers sometimes prefer to live in the countryside. This is consistent with the PPTS, which seeks to limit new traveller site development that is in open countryside away from existing settlements.
22. The Council's first reason for refusal does not raise any conflict with policy H7 as an issue for consideration, and nor does it identify any harm arising from the asserted policy conflict with SP7 beyond the fact that the development lies beyond any settlement envelope. Assessed against the locational criteria of policy H7, the scale of the site and the number of pitches would not dominate the nearest settled community and would not place undue pressure on local infrastructure when the proposal is considered alone or in combination with other nearby traveller sites; and adequate schools, shops, healthcare, and other community facilities are within reasonable travelling distance. It is not a new site development, it is not in 'open' countryside but constitutes an existing site surrounded by other residential development, and is not 'away from' an existing settlement but is on the outskirts of Clophill.

Character and appearance

23. Also identified in the Council's first reason for refusing permission is the impact on the character and appearance of the area. A reference is made to 'overdevelopment', which I understand to mean both a reference to the appearance of the site as well as to potential impacts on the living conditions of its occupiers arising from the density of the development on the site, which will be considered below. The Council also make reference to what they describe as 'urbanisation'.
24. The site is immediately surrounded by other mobile home developments mainly adjoining the approach road to it leading from the Causeway. In this they constitute a mainly linear spur of development that is mostly immediately surrounded by countryside. The River Flit closely adjoins the site's northern boundary.
25. The three mobile home sites between the Causeway and the appeal site are not developed to the same density as is proposed here. The pre-existing

mobile home here follows the same pattern although (now) on a slightly smaller plot than some of those leading to it. The site narrows beyond that pitch, however, and the two proposed mobile homes would be on rather smaller plots. Nonetheless in the context of the surrounding development and the previously-developed nature of the existing site as a whole, the proposed additional mobile homes would not amount to an additional incursion into the countryside. The Council characterise the existing site as having a suburban character that is visible and incongruous as well as alien to the rural character of the landscape character area (the Flit Greensand Valley) within which it lies. However this gives insufficient credence to the existing permission, the surrounding mobile home developments, and the proximity of the site to the village of Clophill. It is not an alien incursion: its character as a mobile home site is already settled.

26. The addition of two mobile homes would bring the residential development somewhat closer to the Clophill end of the public footpath passing to the east of the site than presently exists (although the existing permission is without siting constraints in this regard). I saw that some mobile home development at the end of the 'spur' was readily apparent, although I understand that not all of the existing development is authorised and could be subject to change. However the footpath is some distance away and even with the additional mobile homes visible above the fencing I do not consider that the site would appear particularly urbanised compared with its present appearance amidst the other mobile home developments and its edge of village context.
27. The Parish Council also raise the prospect of the development affecting the site of the motte and triple bailey Cainhoe Castle, a Scheduled Monument lying around 1km away from the site. I saw that there was some intervisibility of the two sites from the public footpath towards the Gravenhurst end, but this is unlikely to be affected by the introduction of an additional two mobile homes given the cluster of development that is already apparent.

'Overdevelopment' and living conditions

28. The Council's housing officers have raised objections to the development, concerned with the dayroom, the spacing distances between mobile homes and the access and gateway.
29. The access arrangements depicted on plans appeared to be operational at the time of my visit. Should the far access no longer be accessible, there appears no reason why the internal configuration of the site could not be changed to accommodate vehicular entry and exit from the pre-existing site access point. The housing officers raise the question of private access rights, but I do not understand them to make the point that a single access would be unsuitable if that were the outcome.
30. The officers raise objection to the combustible material from which the dayroom is constructed, owing to its proximity to the mobile home on the neighbouring site. It is unlikely to satisfy the requirements of any site licence as a result. However this does not appear to me to raise an appropriate planning objection, insofar as a building of like appearance but constructed of non-combustible materials would not raise the same objection.
31. Insofar as the spacing of the mobile homes is concerned, the housing officers have considered a plan, 18/914B 003 Rev A, and raise a concern that the

caravans are inadequately spaced. The plans before me appear to show the mobile homes to achieve the required separation distance of at least six metres, and in any event the site is sufficiently large to achieve this.

Biodiversity impacts

32. The Council's reason for refusal in this regard was that the development failed to demonstrate provision for species recovery or respect the topography and landscape and was therefore in conflict with policies EE2 and EE8 of the Local Plan and with Chapter 16 of the Framework. Policies EE2 and EE8 respectively require new development to enhance and to avoid negative impacts on biodiversity, and specifically to demonstrate net gains within the Greensand Ridge Nature Improvement Area.
33. The Council subsequently withdrew its objection on this ground and the parties are agreed that the concerns can be overcome by adherence to the terms of a suitably worded planning condition. I have no reason to dissent from this conclusion and thus I find no conflict with the development plan in this regard.

Flooding and drainage

34. Policies CC3 and CC5 of the Local Plan relate respectively to flood risk management and to sustainable drainage. Policy CC4 relates to development close to watercourses; and CC6 concerns the adequacy of water supplies and sewerage infrastructure. The requirement of policy H7 to ensure suitable arrangements for drainage, sanitation and access to utilities is also relevant to the proposal.
35. The Council's reasons for refusing permission and issuing the notice each referred to some or all of these policies, and in substance the complaint was that the proposal did not include sufficient details of surface water drainage, evidence of safe access or egress, sufficient details of drainage associated with the mobile homes or details of imported materials so as to demonstrate protection against flooding risks. Additionally, the proposal included built form and development within nine metres of the River Flit which would stymie access and maintenance and result in the loss of natural flood storage.
36. The Environment Agency did not ultimately object to the proposal because the mobile homes would (or could) be located within Flood Zone 2. At the hearing the Council were satisfied that their concerns could adequately be dealt with by planning conditions. The particular concerns raised by the Council's drainage team are to secure that the mobile homes are anchored to the ground, that imported and exported materials are matched for volume, the arrangements for drainage from caravans and buildings, the provision of a safe access and egress area for occupiers and emergency services, and to ensure the safety of the foul drainage system during any flooding event.
37. I am satisfied that these matters can be dealt with by adhering to the requirements of relevant planning conditions. As noted above, there appears no reason on flood risk grounds why the evacuation routes previously approved cannot be altered within the site. The appellant contends that, save for the slabs supporting the mobile homes and dayroom, the hardstanding is or would be permeable, with no attendant increase in run-off and all surface water discharged directly to the ground.

38. It was pointed out to me at the hearing that the provision of mobile homes, with a finished floor level of 49.6m above datum and securely anchored to concrete bases, produces a significant improvement in respect of the flooding risks to the occupiers of the site. As set out above, the 'fallback' position is that the appellant's two sons and their families would otherwise occupy touring caravans on the site. Such touring caravans could not benefit from the same measures and their occupants would be at increased exposure to flood risks than arise from the present proposal. In view of the site's vulnerability I consider this a positive benefit in favour of the proposal.
39. The exception to these matters is the raised patio area that has been built around the pre-existing mobile home. I am not satisfied that this does not add to the flood risks elsewhere on the site and so shall require its demolition and the land restored to its former level.
40. As to the watercourse, policy CC4 provides that new development will be supported where it can be demonstrated that it will provide a minimum nine metre wide undeveloped buffer strip for access, maintenance and natural flood storage unless otherwise agreed with the relevant drainage authority. Development which would compromise access to watercourses will not be permitted.
41. The appellant complains that policy CC4 is unduly onerous when compared with national policy found in the Framework, and accordingly contends that limited weight should be applied to this aspect of the development plan.
42. The drainage board's comments of 23 March 2023 say that they wished to reiterate the comments in their responses to the previous planning applications for the site, where they objected to the application. However those previous responses (or previous applications) are not expressly before me for consideration. The Council's officer report when granting permission CB/18/02424/FULL noted the drainage board's concern that the nine metre buffer strip might be encroached upon, yet found that the requirement for the internal drainage board's consent was a separate private matter to the need for planning permission. It was considered that the development would not present an unacceptable impact to amenity and wider drainage.
43. The matters raised in the drainage board's response of 23 March 2023 discusses flood risks, flood warnings and infiltration testing. It does not advert to the nine metre buffer strip at all. The perimeter fence and a minor part of the dayroom would lie within the nine metre buffer, but there is no explanation provided about why any development within that nine metre strip would have the practical effect of precluding access, maintenance or natural flood storage, which are the relevant policy outcomes. Therefore on this issue I find no conflict with the requirement of policy CC4 not to compromise access to watercourses.

Conclusions on compliance with the development plan

44. Policy H7 of the Local Plan is the most relevant policy for assessment when determining development proposals for sites for Gypsies and Travellers. I find no conflict with its requirements that the scale of the site and the number of pitches would not dominate the settlement of Clophill or place undue pressure on local infrastructure; that the character and appearance of the wider landscape is not detrimentally affected; that a good standard of amenity be

provided for the site's occupants; that the pitches are of a sufficient size to accommodate the needs of the occupiers in respect of parking, storage and amenity space; that community facilities are within reasonable travelling distance, and that suitable arrangements can be made for drainage, sanitation and access to facilities.

45. Nor do I detect any overall conflict, subject to the imposition of suitable conditions where appropriate, with the requirements of other policies in the Local Plan and specifically those applicable to protecting the countryside, biodiversity and heritage assets, ensuring high standards of amenity, and protecting against flood risks. No prejudice to the adjoining watercourse has been identified and I detect no overall conflict there.
46. It follows therefore that Appeal B will be allowed and permission will be granted. Therefore I do not need to consider further the matters aired extensively at the hearing including the Council's current supply of Gypsy and Traveller sites and the extent of any unmet need. Nor do I need to advert to the particular circumstances of the site's present occupiers.

Conditions

47. A permission will be granted under Appeal B which is partly retrospective because of the additional mobile home already being lived in on the site. The permission will supersede the previous permission, CB/18/02424/FULL, in its entirety, and I shall re-word the operative grant of the permission (from that applied for, referring only to the additional development) to reflect that. It is therefore necessary to impose conditions relating to the residential occupation of the site generally, rather than only to the 'additional' development that forms the subject matter of Appeal B. I am guided therefore by the suite of conditions applying to that 2019 permission as well as to the Council's list of suggested conditions forming the basis for discussion at the hearing.
48. As before, a condition is necessary to ensure that the site may only be occupied by Gypsies or Travellers. National policy was updated in December 2024 to account not only for those who have ceased travelling, whether permanently or temporarily, but also for those who may never have travelled but who nonetheless have a cultural tradition of nomadism or of living in a caravan. Having consulted the parties, I shall use this definition in the relevant condition. Such a condition is necessary because of the particular approach taken in the Local Plan to Gypsy and Traveller site development which is not as restrictive as that found generally in policy SP7 to development in the countryside.
49. Having regard to the scope of the application and the need to prevent undue site clutter in the interests of visual amenity, I shall restrict the number of caravans that may be located on the site to five. Of these, of which no more than three shall be mobile homes, no more than three may be residentially occupied whilst on the site.
50. Adhering to a site layout plan for the lifetime of the development will be necessary in order to ensure that the residential occupation of the site takes place in the appropriate flood zone. I shall therefore require that the layout of the three mobile homes within the site be restricted to that shown in plan 18/914B 003 Rev A except with the Council's prior written agreement. I shall also require, as per Mr Beel's assessment and the Environment Agency's

comments, that the mobile homes be anchored to the ground and achieve a floor height of not less than 49.6m AOD.

51. It is also necessary to secure other matters by way of a site development scheme, providing for the permission to effectively come to an end if these aspects are not delivered. They include the provision of a flood evacuation plan, a foul drainage connection, and a biodiversity enhancement strategy. Additionally the scheme will provide for the demolition of the existing raised patio area to the north of the pre-existing mobile home and the restoration of the land to its pre-existing level.
52. In view of the pre-existing permission for one mobile home and two touring caravans that may already be occupied residentially pursuant to the 2019 permission, the site development condition will essentially require that the site be returned to its pre-existing lawful state if those matters are not provided; in other words, that all but three caravans shall be removed from the site.
53. Other conditions would therefore continue to have effect. Such other conditions would include the repeat of the previous condition prohibiting commercial activities at the site including the storage of materials.
54. A response from the local highway authority was received adverting to earlier planning conditions requiring a vehicular crossover whose requirements do not appear to have been met. However, it appears that the appropriate response would be to seek enforcement under those conditions. The present comments from the highway authority seek details of a refuse collection point and visibility splays. I shall include these matters for provision in the site development scheme previously referred to, should they be required by the Council.

Formal Decisions

Appeal A

55. The appeal is allowed, and the enforcement notice is quashed.

Appeal B

56. The appeal is allowed, and planning permission is granted for the use of the land as a caravan site, a larger dayroom, and an area of hardstand ancillary to that use on land at Plot 4, Paradise Farm, The Causeway, Clophill, Bedfordshire MK45 4BA subject to the following conditions:
 - (1) The land shall not be occupied for residential purposes other than by Gypsies or Travellers, meaning 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, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
 - (2) No more than five caravans, comprising a maximum of three static caravans/mobile homes, shall be stationed on the site. No more than three of those caravans shall be occupied for residential purposes. All

mobile homes stationed on the site shall be anchored to the ground and achieve a floor height of not less than 49.6m above ordnance datum.

- (3) No commercial activity shall take place on the site, including the storage of materials.
- (4) All caravans but three, of which no more than one shall be a static caravan/mobile home, shall be permanently removed from the site within 28 days of any failure to meet any one of the requirements set out in i) to iv) below:
 - i. Within three months of the date of this decision a scheme for the following matters shall have been submitted for the written approval of the local planning authority:
 - (a) A flood evacuation plan;
 - (b) A foul drainage connection to the mains sewer system on The Causeway;
 - (c) Details of refuse storage and visibility splays;
 - (d) Arrangements for the demolition of the raised patio area adjacent to the pre-existing mobile home and the restoration of prior land levels; and
 - (e) A Biodiversity Enhancement Strategy to demonstrate how net gain can be achieved (as compared to the site conditions prior to initial clearance), prepared by a suitably qualified ecologist;and the scheme shall include a timetable for its implementation.
 - ii. If within eight months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv. The approved scheme shall have been carried out and completed in accordance with the approved timetable.
- b. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.
- c. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- (5) The mobile homes on the site shall be sited in the locations specified on application plan 18/914B 003 Rev A and thereafter retained (or replaced, as the case may be) in such locations for the lifetime of the development except with the prior written permission of the local planning authority.

Laura Renaudon

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Green, planning agent
Geoff Beel, flood risk consultant
Walter Varey (Sr, the appellant)
Walter Varey (Jr)
Nathan Varey

FOR THE LOCAL PLANNING AUTHORITY:

Philip Hughes, planning consultant
Steve Jarman, ORS
Helen Heane, Gypsy & Traveller Unit manager
David Hale, Gypsy & Traveller Planning Manager

INTERESTED PARTIES:

None