



## Appeal Decisions

Hearing held on 15 January 2025

Site visit made on 15 January 2025

**by Peter Willows BA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 February 2025**

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### **Appeal A: APP/C3620/C/24/3347934**

#### **Land adjacent to Cidermill Hatch, Partridge Lane, Newdigate, Dorking, Surrey RH5 5BP**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Mrs Margaret Meloney against an enforcement notice issued by Mole Valley District Council.
  - The notice was issued on 19 June 2024.
  - The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the land to use for the stationing of residential caravans and touring caravans for residential purposes and all the associated development facilitating the material change of use which includes;
    - a) The formation of areas of hardstanding
    - b) The formation of upstands and supporting structures beneath the static caravans
    - c) Installation of drainage pipes and soakaways
    - d) Installation of a sewage treatment system.
  - The requirements of the notice are:
    - i. Cease the use of the land for the stationing of caravans for residential occupation.
    - ii. Remove the caravans from the Land.
    - iii. Remove from the land the upstands and supporting structures for each caravan.
    - iv. Remove the hard standing, drainage pipes, soakaway and sewage treatment system from the land.
    - v. Dig out and remove the sub-base for the hardstanding.
    - vi. Following compliance with steps 5(i) to (v) above, remove all resultant debris and unused materials from the Land, level the land and reseed the land to grass (native grass mix).
  - The period for compliance with the requirements is 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since 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.
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### **Appeal B: APP/C3620/W/24/3346512**

#### **Land south of Cidermill Hatch, Partridge Lane, Newdigate, Dorking, Surrey RH5 5BP**

- 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 Mrs Margaret Meloney against the decision of Mole Valley District Council.
  - The application Ref is MO/2024/0514/PLA.
  - The development proposed is a two pitch settled gypsy accommodation site including widening of existing access.
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## **Decisions**

### *Appeal A*

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use of the land to use for the stationing of residential caravans and touring caravans for residential purposes and all the associated development facilitating the material change of use, which includes: the formation of areas of hardstanding; the formation of upstands and supporting structures beneath the static caravans; installation of drainage pipes and soakaways; and installation of a sewage treatment system at Land adjacent to Cidermill Hatch, Partridge Lane, Newdigate, Dorking, Surrey RH5 5BP as shown on the plan attached to the notice and subject to the conditions in the attached schedule.

### *Appeal B*

2. The appeal is allowed and planning permission is granted for a two pitch settled gypsy accommodation site including widening of existing access at Land south of Cidermill Hatch, Partridge Lane, Dorking, Surrey RH5 5BP in accordance with the terms of the application Ref MO/2024/0514/PLA, subject to the conditions in the attached schedule.

## **Preliminary Matters**

3. Appeal A initially included the grounds set out under s174(2)(e) and (f) of the Act, but these were subsequently withdrawn.
4. Although there are some differences between the two appeal proposals, including the layout proposed and the reference to widening the access in Appeal B, the parties agree, as do I, that the two proposals are fundamentally similar and should stand or fall together. Accordingly, I consider them together below. Although there is a site layout plan to support Appeal B, this does not reflect what has been carried out at the site and both parties consider that various matters relating to the layout should be controlled by conditions, rather than being based on the layout shown on the plan, a view I share.
5. The Mole Valley Local Plan 2020-2039 was adopted in October 2024, subsequent to the issuing of the enforcement notice and the Council's decision on Appeal B. The policies of the old local plan, referred to in those documents, no longer apply.

## **Appeal A, Ground (a) and Appeal B**

### *Main Issues*

6. The main issues are:
  1. Whether the development is inappropriate within the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
  2. The effect of the development on the openness of the Green Belt and its purposes;

3. Whether the development accords with local and national policies concerning the location of gypsy and traveller accommodation<sup>1</sup>;
4. The effect of the development on the character and appearance of the area;
5. Whether the site is suitably located in terms of access to necessary services, facilities and public transport; and
6. If the development is inappropriate, whether any harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, including any need for the development and the personal circumstances of those living at the site, so as to amount to the very special circumstances necessary to justify the development.

### *The Green Belt*

7. The site lies within the Green Belt. Policy EN1 of the local plan sets out the general approach to development in the Green Belt, while Policy H5 deals with Gypsy and Traveller accommodation. However, national policy on Green Belts, as set out in the Framework, has changed significantly since these policies were adopted. Thus, while H5 states that the development of new Gypsy and Traveller sites in the Green Belt is inappropriate development, I have considered the question of inappropriateness and related Green Belt matters with particular regard to the approach set out in the Framework.
8. The Framework advises at Paragraph 154 that development in the Green Belt is inappropriate unless one of the specified exceptions applies. None of the exceptions listed apply in this case. However, Paragraph 155 goes on to set out circumstances where development on 'grey belt' land is 'not inappropriate'. The appellant argues that this is a grey belt site, while the Council take the contrary view.
9. Grey belt is defined at the glossary to the Framework as, *land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*
10. This site is not previously developed land, so the first question is whether the appeal site strongly contributes to any of purposes (a), (b), or (d) in paragraph 143 of the Framework. Those purposes are:
  - a) *to check the unrestricted sprawl of large built-up areas;*
  - b) *to prevent neighbouring towns merging into one another;*
  - d) *to preserve the setting and special character of historic towns.*
11. At the hearing, the Council sought to argue that the site was important in respect of purpose a). However, that was undermined by the officer's report relating to Appeal B, which specifically identified that the proposal ran counter to only one of the purposes of Green Belt, which was purpose c), which relates to encroachment. But in any event, the site does not perform any role relating to purpose a), being located between existing dwellings, well away from any

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<sup>1</sup> This issue is addressed throughout the decision rather than in a discrete section of it

- large built-up area. When asked about this at the hearing, the Council referred to the settlements of Dorking, Reigate/Redhill and Crawley/Horley, but the appeal site is located some miles from any of those settlements. I cannot see either that the site is relevant in respect of purposes b) or d).
12. The grey belt definition excludes other land (other than Green Belt) identified at footnote 7 of the Framework, but none is relevant here. Accordingly, I conclude that the site is grey belt.
  13. Paragraph 155 of the Framework advises that development in the Green Belt should not be regarded as inappropriate where:
    - a. *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
    - b. *There is a demonstrable unmet need for the type of development proposed;*
    - c. *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework<sup>2</sup>;*
  14. On criterion a), I have concluded that the site is grey belt and that three of the purposes of Green Belt are not compromised. As to the other two purposes, the effect in terms of encroachment of the countryside (purpose c) is minimal, given the small size of the site, and there can be no effect in respect of urban regeneration and the recycling of derelict land (purpose e), given the site's location remote from any urban area. Accordingly, the development does not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan.
  15. I consider later the questions of need and the sustainability of the location, and find that there is a need and that this is not an unsustainable location for the particular development proposed. Accordingly, I conclude that the requirements of Paragraph 155 are met and the development is not inappropriate.
  16. I have had regard to the matters raised regarding the effect of the development in terms of openness. However, openness is one of the essential characteristics of Green Belts and, as a matter of policy, the aim of preserving the openness of the Green Belt cannot be compromised by development that is 'not inappropriate'. Moreover, footnote 55 of the Framework establishes that substantial weight need not be given to any harm to openness on a grey belt site where the development is 'not inappropriate'.
  17. I conclude that the Green Belt is not harmed. While there is conflict with the approach to Green Belts set out in policies EN1 and H5, I attach little weight to that conflict given compliance with the approach set out in the Framework. My findings on the Green Belt mean that the question of very special circumstances does not need to be considered.

#### *Character and appearance*

18. The appeal site lies in a rural area, described as Open Weald Character Area in the Council's Landscape Supplementary Planning Document. The area is not

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<sup>2</sup> A further requirement – 155 d) – is not relevant in this case

entirely devoid of development, including other mobile homes along Partridge Lane. The site fronts Partridge Lane and there are houses fairly nearby to either side. I understand that the site was previously grassed and undeveloped. Photographs provided by the Council show a site that blended well into its rural surroundings prior to development. The appeal scheme has seen a gravel surface installed across most of the site. A close-boarded fence has been erected around the site perimeter and two mobile homes have been sited on the land.

19. The overall effect of these works is that the rural character of the site has been fundamentally altered, creating a far more developed appearance. The change in character of the site is very obvious from the road and the mobile homes are easily seen through the site entrance. Thus, there is clear harm to the rural character and appearance of the site and the locality. The harm is limited to a degree by the hedgerow that has been retained along most of the site frontage, and this could be supplemented by further planting to reduce the impact of the development. Nevertheless, the harm I have found leads to conflict with the aims for character, design and the landscape in local plan policies EN4, EN8 and H5.

#### *Services, facilities and public transport*

20. Partridge Lane is a fairly narrow, unlit rural lane, with a grass verge but no footways, and is unlikely to be appealing for pedestrians or cyclists. There are no shops close to the appeal site. There are convenience stores in the villages of Charlwood and Newdigate, but these are some miles from the appeal site. Given the lack of local shops or services, the poor environment for pedestrians and cyclists and the very limited public transport available, occupiers of the site are likely to be highly dependent on private motorised vehicles. Paragraph 115 of the Framework requires that *'sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location'*.
21. However, while Policy H5 prefers sites within the boundaries of existing built-up areas and villages, it does not set out any specific requirements concerning accessibility to shops and services for Traveller sites. The supporting text notes that *'The provision of permanent sites is an important means of providing Gypsies and Travellers with a settled base, providing access to local services such as education, health and employment, as well as supporting good relationships between the travelling and settled communities'*.
22. The Government's Planning Policy for Traveller Sites (PPTS) adopts a similar approach, and advises at Paragraph 13 that local planning authorities should ensure that their policies *'reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability'*. While Paragraph 13 falls under the heading of 'Plan-making', I see no reason why some of the principles it contains should not be applied to development proposals. Indeed, Paragraph 155 and Footnote 57 of the Framework indicate that particular reference should be made to Paragraph 13 when determining whether Traveller sites in the Green Belt would be in a sustainable location. I do not see that any of the aims of Paragraph 13 are undermined by this development.

23. It is clear from the above that sustainability in this context needs to be considered in the round. While the site is poorly located in terms of access to services, there are sustainability benefits in providing a settled location for Travellers. Moreover, there is no information before me to show that the appeal site would perform unduly poorly compared to other non-allocated sites that may come forward. It was clear from the discussion at the hearing that a significant proportion of the potential sites identified by the Council were located in the Green Belt. Such sites are generally likely to perform less well than urban sites in terms of access to services. The Framework advises at paragraph 110 that '*opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making*'.
24. With the above points in mind, I do not regard this as an unsuitable location for the particular development proposed in terms of access to services, and find no conflict with Policy H5 as a result of this issue. This also means that I regard the location as *sustainable* for this development for the purposes of Paragraph 155 of the Framework. In reaching that view, I am mindful that in a previous appeal decision<sup>3</sup> on a site very close by, the inspector concluded that the scheme would not be sustainable in environmental or social terms, or in terms of the Framework. However, that decision was made about 8 years ago, and the local plan, Framework and PPTS, which are key to my approach to this matter, have all changed since. Thus, while I doubt the fundamental characteristics of the area have changed significantly in the intervening period, that decision does not lead me to any different conclusion on the matter.

#### *General need for and supply of pitches*

25. The PPTS advises at paragraph 28 that '*If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply*'.
26. Paragraph 11d) states:
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*
27. Thus, the question of whether the Council has a 5-year supply of deliverable sites/pitches is critical to the application of national policy. It is also a point the parties disagree on.

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<sup>3</sup> APP/C3620/W/15/3018611

28. The Council commissioned a *Gypsy and Traveller Accommodation Assessment* (GTAA), which was published in March 2021. The baseline for the study is July 2020, when the fieldwork commenced, and it considers the need for Gypsy and Traveller accommodation in the period to 2037. The study takes account of the 'planning definition' of Gypsies and Travellers in the 2015 version of the PPTS that applied at the time, which is more restrictive than the definition in the 2024 version of the PPTS. However, the GTAA also produced figures for households which did not meet that definition.
29. At the hearing, the Council provided me with its most recent assessment of the need/supply of Gypsy and Traveller sites. This shows need split into three 5-year periods and one 2-year period from 2020 to 2037. It indicates a need for 32 pitches over the whole of this period if the 2015 'planning definition' of Gypsies and Travellers is applied, and a need of 52 if a less restrictive definition is applied. The Council says that this figure of 52 is now the relevant figure and aligns with the 2024 PPTS definition. Rather than considering an actual 5-year period, the Council's evidence focuses in particular on the period from 2020 (the base year for the GTAA) to 2029 (5 years from the adoption of the current local plan in 2024). In order to compare the need and supply figures on a consistent basis, I have considered this period as well. The Council says that 36 pitches are needed for this period. I do not have specific evidence to cast doubt on that figure.
30. Turning to the question of supply, it is important to note that sites must be deliverable. Footnote 4 of the PPTS advises that *'To be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site within five years. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans'*.
31. The Council claims a total of 69 pitches. However, more than half of this figure – 35 pitches – is made up of current planning applications. As the Council accepted at the hearing, it is unable to say if planning permission will be granted for these. Consequently, these sites do not meet the definition of 'deliverable' in footnote 4.
32. Of the 19 pitches approved since 2020, the appellant advised, and the Council did not dispute, that the site at Copse Farm (3 pitches) is occupied by non-Travellers. There is nothing before me to suggest that this will change. Consequently, regardless of the planning permission it has, it does not appear to be currently available to Travellers and is not, therefore, part of the current supply of Traveller sites.
33. The remainder of the supply is comprised of 15 pitches from site allocations. There is no specific evidence regarding the prospect of any of these sites coming forward, but the Council's figures indicate that 6 pitches at 2 sites will come forward within 5 years from adoption of the local plan in 2024. Given the lack of information as to when the remaining 9 pitches will come forward, I do not regard them as part of the supply for the period to 2029.
34. With these points in mind, even assuming that the site allocations are all capable of coming forward at some point in time, it appears to me that the

total supply of pitches for the period from 2020 to 2029 is actually comprised of 16 out of the 19 pitches approved since 2020, plus the 6 allocations above, giving a total of 22. This is plainly short of the need for 36 pitches the Council identifies for the same period.

35. The Council argues that some planning permissions are bound to come from the 35 pitches under consideration. I am also told that windfalls have produced an average of 3 pitches per year to date, suggesting that 15 might come forward over the next 5 years. However, there is minimal evidence to support any assumption about the likely outcome of the current applications or future windfalls. Consequently, I am not persuaded that either of these matters show that sites are '*available now, offer a suitable location for development, and [will] be achievable with a realistic prospect that development will be delivered on the site within five years*'.
36. For these reasons, I conclude that the Council cannot demonstrate an up to date 5-year supply of deliverable sites for Gypsy and Traveller accommodation. Consequently, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.

*Personal circumstances and need*

37. Mr Meloney told me at the hearing that he lives at the appeal site with the appellant (his partner) and their 4 children, who are aged between 2 and 13. I was advised that they live there continuously and have no other accommodation available to them. I am told that the loss of their current home would lead to a roadside existence. I understand that some of the children are settled in school/playgroup. I am also told that some of the children have particular medical issues, are registered with the local GP, and need a settled base to allow continuity of treatment.
38. The Council state that, during a site visit to a site known as Pinewood Park, James, the husband of the appellant, was found to be residing here and not the appeal site. The Council has also provided a register of title showing that the Pinewood Park site is owned by Jimmy Moloney and Anna Moloney<sup>4</sup>. I am also told that Jimmy Maloney was named as the applicant on a planning application relating to the site in 2023.
39. At the hearing, Mr Meloney stated that Jimmy and Anna Moloney are his parents, who live on the Pinewood Park site. I have no reason to doubt this. He also advised that his own family had lived at Pinewood Park but had been unable to stay there due to a falling out between different Traveller groups. However, there is limited specific evidence on this matter. In any event, circumstances can change, and I cannot entirely rule out the possibility that the family would return to Pinewood Park in the event that the appeal site were no longer available to them.
40. At the hearing I asked what would happen to the family if the notice were upheld. I was told that there are no permanent sites available to them and they would consequently be forced into a roadside existence. I cannot be sure of that, particularly given the uncertainties regarding the Pinewood Park site, but I have to regard it as a possibility, given the wider shortfall of Traveller pitches within the borough.

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<sup>4</sup> The variations in the spelling of this surname reflect the evidence before me.

41. The evidence before me does not clearly demonstrate that there is a specific need for the children to be on this particular site in order to meet their educational or health needs. Moreover, no explanation is given for a personal need for more than a single pitch. I accept, however, the importance of the children having a settled home and, in that general sense, the best interests of the children lie in remaining at the appeal site, in accordance with the wishes of their parents.
42. Overall, while I attach some weight to the personal need claimed for the development, it is limited due to the factors discussed above.

#### *Other considerations*

43. This is clearly a case of intentional unauthorised development. In a Written Ministerial Statement made on 17 December 2015, the Government confirmed that this is a material consideration. While the appellant says that the family had no other option but to occupy this site, this nevertheless weighs against the granting of planning permission.

#### *Planning Balance*

44. I have found that this is not inappropriate development in the Green Belt, and so very special circumstances are not needed to justify the development. However, there is harm to the character and appearance of the area, and consequent conflict with local plan policies EN4, EN8 and H5. I attach significant weight to that conflict. The location of the site in the Green Belt leads to further conflict with EN1 and H5, but I attach only limited weight to that, given the updated Green Belt policy in the Framework and my finding that this is not inappropriate development. Nevertheless, looking at matters in the round, and given that H5 is a key policy concerning the location of Gypsy and Traveller accommodation, I conclude that there is conflict with the development plan as a whole. I am also mindful that this is a case of intentional unauthorised development.
45. However, the Council is unable to demonstrate a 5-year supply of pitches for Gypsy and Traveller accommodation. In accordance with local and national policy, this weighs in favour of the development. The need for a pitch at this site is reinforced, to a small extent, by the personal need of the appellant and her family. Although the site is not ideally located in terms of access to local services, the location is not unacceptable in sustainability terms, given the benefits of providing a settled base for Travellers.
46. Viewed as a whole, the adverse impacts of the development do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, as described in Paragraph 11d) of the Framework. Accordingly, the presumption in favour of sustainable development applies. This is a material consideration that leads me to conclude that, notwithstanding the conflict with the development plan, planning permission should be granted.

#### **Conclusion and conditions**

47. For the reasons set out above I conclude that the appeals should be allowed. I shall grant planning permission on the development as described in the enforcement notice (Appeal A) and the planning application (Appeal B). In these circumstances, Appeal A, ground (g) does not fall to be considered.

48. The conditions for both planning permissions are the same. Condition 1 limits the occupation of the site to Gypsies and Travellers, to ensure the site remains available to serve the particular need that has been identified. Since that need primarily arises from a general shortfall of sites within the borough rather than the personal circumstances of the appellant, it is not necessary to limit occupation specifically to the appellant and her family.
49. Conditions 2 and 3 are required to ensure that the site is appropriately laid out and not overdeveloped. Conditions 4, 5 and 6 restrict the size of vehicles at the site, commercial activities and external lighting to ensure that local character and amenity are not harmed. Condition 7 requires a fast-charging socket to be provided to comply with local plan policy INF1, which seeks to ensure that new developments include facilities to encourage the uptake of electric vehicles.
50. Condition 8 requires a site development scheme to ensure that the site is adequately laid out, serviced, landscaped and drained and has appropriate provision relating to the access and parking. I have included a requirement in this condition concerning the siting of the caravans, since it is clear that the siting shown in the submitted drawing is not what is actually intended. Condition 9 is necessary to ensure that the approved planting is maintained.
51. I am not persuaded that a condition removing permitted development rights is necessary, since it has not been shown that any potentially harmful permitted development rights would arise from the development. Nor am I persuaded that a condition relating to biodiversity net gain should be applied to this retrospective development, having considered the evidence before me, local and national policy and relevant legislation.

*Peter Willows*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Stephen Whale (Counsel)

Phil Rowe – appellant’s agent

James Meloney

Eddie Connors

### FOR THE LOCAL PLANNING AUTHORITY:

Donna Bulbeck – Case Officer

Aidan Gardner – Principal Planning Officer

Duncan Clarke – Planning Policy Manager

Fiona Lander – Planning Enforcement Officer

### DOCUMENTS ACCEPTED AT THE HEARING

1. Statement of Common Ground
2. Local Plan Policies H10, EN9, INF1, INF2 and INF3
3. ‘ED71’ – summary of Gypsy and Traveller pitch need and supply
4. Gypsy and Traveller need and supply update 6 January 2025
5. Appeal decision – APP/C3620/W/24/3336607

## **CONDITIONS**

- 1) 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, 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 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 2 shall be a static caravan) shall be stationed on the site at any time.
- 3) No caravans falling within the definition of a twin unit caravan set out in the Caravan Sites Act 1968 as amended shall be stationed on the site.
- 4) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 5) No commercial activities shall take place on the site, including the external storage of materials.
- 6) No external lighting shall be put in place or operated on the site at any time other than that which has been previously submitted to and approved in writing by the local planning authority.
- 7) Within six months of the date of this decision, each pitch shall be provided with a fast charge electricity socket, (7Kw Mode3 with a Type 2 Connector 230V/AC 32 Amp single phase dedicated supply), which shall be retained thereafter for the lifetime of the permitted use.
- 8) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought on to the site for the purposes of such use and the hardstanding, drainage, soakaway and sewage treatment system shall be removed, within 30 days of the date of failure to meet one of the requirements set out in (i) to (iv) below:
  - (i) Within 3 months of the date of this decision, a Site Development Scheme (SDS) shall have been submitted for the written approval of the local planning authority. Notwithstanding the details shown on the planning application site plan, the SDS shall include details of:
    - (a) the means of foul and surface water drainage of the site;
    - (b) facilities for the storage and collection of refuse and waste;
    - (c) the siting, scale and appearance of any day room or utility room;
    - (d) the areas of the site to be used for the parking and turning of vehicles;
    - (e) visibility splays at the site access to the public highway;
    - (f) external lighting;
    - (g) the siting of the caravans;
    - (h) a scheme for new planting, including details of species, plant sizes, proposed numbers and densities, including a

timetable for implementation, maintenance and management.

- (ii) If within 11 months of the date of this decision the local planning authority refuse to approve the site development 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 site development 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.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

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 the legal challenge has been finally determined.

- 9) Any trees, hedges or plants planted in accordance with the approved scheme which are removed, die or become diseased or seriously damaged within 10 years of completion of the approved scheme shall be replaced within the next planting season by trees, hedges or plants of a similar size and species to that originally approved.