



Appeal Decision

Site visit made on 12 November 2024

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2025

Appeal Ref: APP/T2405/C/23/3321950

Huncote Mill, Croft Hill Road, Huncote LE9 3GR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Alastair Brooks against an enforcement notice issued by Blaby District Council.
 - The notice was issued on 13 April 2023.
 - The breach of planning control as alleged in the notice is the material change of use of the land for the research and development of products and processes (Class E(g)(ii) use).
 - The requirements of the notice are: Cease the use of the land for the research and development of products and processes (Class E(g)(ii) use).
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (d), (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.
-

Decision

1. The appeal is allowed, and the enforcement notice is quashed. 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 carried out, namely the material change of use of the land for the research and development of products and processes (Class E(g)(ii)) at Huncote Mill, Croft Hill Road, Huncote LE9 3GR as shown on the plan attached to the notice, and subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr Alastair Brooks against Blaby District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and as they are not material to the appeal development, further comments by the parties were not sought. I have, however, determined the appeal having regard to the revised Framework.
4. The Council failed to attend the pre-arranged site visit at the appointed time, and I therefore carried out an access required site visit. The Council confirmed that they had no objection to the appeal being determined on this basis.

Ground (b)

5. To succeed on ground (b) the onus is on the appellant to show that what is alleged in the notice has not occurred as a matter of fact. There is no dispute that the

appellant's business is operating from the appeal site and that it falls within Class E(g)(ii) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (the "UCO") as alleged in the notice.

6. However, the appellant refers to the previous appeal decision¹ at the site ("the 2023 appeal decision") where the Inspector found that the nature of the breach was primarily operational development. Consequently, the previous enforcement notice was corrected and the alleged breach changed to "*Without planning permission, the erection of buildings for the research and development of products and processes (Class E(g)(ii) use) and the formation of an associated hardstanding*". The appellant therefore contends that as the development was found to comprise operational development there has not been a material change of use as alleged by the notice.
7. It is clear that the previous Inspector found that the buildings (and hardstanding) on the appeal site amounted to operational development. Furthermore, as the operational development had been substantially completed for more than four years, the 2023 appeal decision succeeded on ground (d) and the notice was quashed. As a result, the Council cannot pursue enforcement action against those buildings or the hardstanding.
8. Nevertheless, in my view the previous Inspector only found that the buildings and hardstanding were lawful, and did not assess any material change of use. This is evident by the corrected notice only referring to the carrying out of operational development, and reference in paragraph 12 of the decision letter to the appropriate period under S.171B(1) of the 1990 Act being four years.
9. The enforcement notice subject of this appeal does not seek the removal of the buildings or hardstanding which were found to be lawful by the previous Inspector. Instead, the notice alleges the material change of use of the land, which as shown edged red on the plan attached to the notice, covers a far wider area than that just covered by the buildings.
10. Where the use of land is in dispute, it is necessary to identify the extent of the planning unit or units. The leading case relating to planning units is *Burdle*². It was held in *Burdle* that the planning unit is normally the unit of occupation unless a smaller area can be identified, which as a matter of fact and degree, is physically separate and distinct and occupied for different and unrelated purposes. Three broad categories are identified for planning units, which are:
 - a) A single unit of occupation with a single primary use with ancillary and incidental activities;
 - b) A single unit of occupation with two or more separate primary uses that are not incidental to one another (mixed use); and
 - c) A unit of occupation with two or more physically separate areas which are occupied for different and unrelated purposes. Each area in this scenario forms a separate planning unit.
11. As set out above there is no dispute that the appellant's business operates from the appeal site. There are seven employees associated with the business, with some

¹ APP/T2405/C/22/3294562

² *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207

spending around 50% of their working time at the appeal site with others visiting as and when required. The external areas around the workshop buildings are used for the parking of staff vehicles and to store equipment being tested and repaired at the site. Items including faulty highway network equipment and spare parts and components are also delivered to the appeal site either by staff members, or by lorries of various sizes.

12. The red line of the enforcement notice encompasses the shared vehicular access and driveway from Croft Hill Road and the parcel of land which forms the base for the appellant's business. The land occupied by the appellant's business has its own gated vehicular access and is enclosed by a combination of fencing and hedging. This physically encloses the area where the business operates, visually and physically separating it from the residential dwelling and the wider site. I appreciate that the site is in single ownership and that some paperwork and other administrative tasks associated with the business may take place in the adjacent garage or dwelling. However, there is little evidence of any significant functional link between the land identified by the enforcement notice and the wider site.
13. Therefore, as a matter of fact and degree, I find that there are two physically separate areas which are occupied for different purposes and form two separate planning units. The formation of a separate planning unit which is occupied by the appellant's business for a separate use that falls within Class E(g)(ii) of the UCO constitutes a material change of use of the land.
14. Accordingly, the matters alleged in the notice have occurred and the appeal on ground (b) fails.

Ground (d)

15. An appeal on ground (d) is that, at the date the notice was issued, no enforcement action could be taken due to the passage of time. The matter alleged is a material change of use and the relevant period is ten years. As the notice was issued on 13 April 2023, the relevant date is therefore 13 April 2013.
16. From the available evidence, including a statutory declaration provided by the appellant dated 4 March 2021, it is apparent that the appellant has owned and occupied the land since June 2014. The steel containers associated with the business were brought onto the land in around February 2016 with the Class E(g)(ii) use commencing at around the same time or soon after.
17. The appellant has therefore failed to demonstrate, on the balance of probability, that the material change of use of the land for the research and development of products and processes (Class E(g)(ii)) was immune from enforcement action on the date that the notice was issued. Consequently, the appeal on ground (d) fails.

Ground (a) – the deemed planning application

Main Issues

18. The main issues are:

- The effect of the development on highway safety;
- The effect of the development on the character and appearance of the area;

- The effect of the development on the living conditions of occupiers of neighbouring residential properties, with particular regard to noise and disturbance; and
- Whether the development is in a suitable location having regard to the development plan.

Reasons

Highway Safety

19. The appeal site is served from an existing vehicular access off Croft Hill Road, a Class C public highway. The access is shared with the adjacent residential property “Mill House”, with the driveway splitting approximately 17 metres back from Croft Hill Road to afford access to the two properties. In addition to the access and driveway the appeal site comprises an enclosed gated yard where the appellant’s business is focused. Within this yard is a hardstanding area for vehicle parking and turning, and steel containers which are used in connection with the business. A further turning area is also present outside of the yard to the front and side of the adjacent garage.
20. The Council contend that the existing access is not in accordance with the Leicestershire Highway Design Guidance (LHDG). In particular, it is considered that the site’s access and turning facilities are inadequate and fail to provide a safe and satisfactory form of access to the highway and fail to ensure that vehicles can enter and leave the site in a forward gear.
21. In response to the Council’s concerns regarding Highway Safety the appellant instructed a Highway and Transportation Consultancy who produced a report³ (HTC report) to address the relevant highways matters. Turning firstly to concerns regarding visibility when leaving the site, there is no dispute between the parties that when exiting the site, the splay to the south-west (looking right) is sufficient.
22. However, the Council’s concerns relate primarily to the visibility splay to the north-east towards Huncote (looking left) when exiting the site. The HTC report acknowledges that, although considered suitable to serve the Class E(g)(ii) use, the existing access and visibility splay does not meet the standards contained within the LHDG. The HTC report puts forward potential site improvements which would overcome those concerns.
23. The first of these improvements is to carry out alterations to the visibility splay to the north-east to achieve the necessary minimum splay of 2.4 metres by 47.5 metres. The plan provided with the HTC report shows that, on land under the appellant’s ownership, the existing hedge to the north-east of the access could be re-planted further back to achieve the minimum splay required. The other improvements suggested are the widening of the access to a width of 6 metres, with minimum 0.5-metre-wide clear margins on each side, for the first 15 metres from the edge of the carriageway, a control radii of 6 metres provided on each side of the access, and the resurfacing of the access in a hardbound material for the first 10 metres.
24. From my own observations I concur with the Council’s position that the visibility when looking towards Huncote is poor, and that an improvement to this visibility

³ Edwards & Edwards Consultancy Ltd, dated July 2023

splay would result in a marked improvement to the access and highway safety. Similarly, the suggested widening of the access would allow larger vehicles to access the site more easily and to do so without overriding the verge. I also noted during my visit that the existing surface of the access was in a poor condition with loose material evident. Consequently, the resurfacing of the access would remove the possibility of loose chippings and stones being deposited on the highway.

25. With regards to the turning facilities within the site, the Council accepts that there appears to be space for adequate turning. From my own observations and having considered the HTC report I find no reason to disagree. The Council's main concern relates to the gates within the appeal site which they argue should be removed or relocated. However, I find no reason why the gates would prevent most vehicles from being able to turn within the site. In relation to larger vehicles, the HTC report has demonstrated that by simply opening the existing gates, an 18 tonne 10-metre-long rigid goods vehicle would be able to turn within the appellant's site. Consequently, I do not consider that the removal of the existing gates is necessary.
26. The Council has not provided any comment on the HTC report or raised any highways objections to any of the proposed access amendments. For the reasons set out above I consider that the alterations and improvements to the vehicular access are necessary in the interests of highway safety and to ensure compliance with the LHDG. These works can be secured through a suitably worded planning condition.
27. I therefore conclude that, subject to a planning condition to secure the necessary access improvement works, the development will not have a harmful effect on highway safety. The development therefore accords with Policy DM8 of the Blaby District Local Plan (Delivery) Development Plan Document (adopted February 2019) (DPD), and Policy FV6 of the Fosse Villages Neighbourhood Plan (June 2021) (FVNP). Together these policies seek, amongst other things, to ensure that developments meet highway design standards and provide safe and suitable access.
28. The Council also referred to Policy DM2 of the DPD, and Policies CS2 and CS18 of the Blaby District Local Plan (Core Strategy) Development Plan Document (adopted February 2013) (CS). These policies though are not directly relevant to this main issue.

Character and Appearance

29. The appeal site forms part of the land associated with Huncote Mill, a residential dwelling located a short distance to the south-west of the village of Huncote. The appeal site itself comprises a gated yard which is set back from the highway and is enclosed by a combination of fencing and hedging. Within the yard is hardstanding areas and containers used in connection with the business. With the exception of Huncote Mill and the adjacent residential property known as "Mill House", the site is surrounded by open fields which contributes to the semi-rural character of the area and provides a visual and physical separation from the village of Huncote.
30. The appeal site is located within the Croft Hill and Quarries Landscape Character Area as identified in the Blaby Landscape and Settlement Character Assessment (January 2020) (BLSCA). The BLSCA sets out that the area contains Croft Hill, a notable landmark, and that the land use is primarily agricultural. The BLSCA also

identifies several key characteristics of the area including “*the landscape generally has a sense of openness and expansiveness, although mature vegetation creates localised enclosure in places*”, and “*the landscape retains its rural character despite the fragmented land uses*”.

31. The Council accepts that the fencing and mature hedgerow along the southern boundary screen the appeal site well from both the public footpath and Croft Hill Road. It was apparent from my visit that only glimpses of the very upper sections of the containers were possible, and in any event those containers are lawful structures which are not attacked by the enforcement notice. The appeal site is not therefore readily visible from public vantage points or nearby residential properties, and it has no discernible visual impact on the character and appearance of the area.
32. The Council’s primary concern relates to the potential removal and realignment of the hedgerow to the north-east of the site access. The Council consider that the hedgerow and trees form an important part of the rural character, and that their re-planting will create an artificial visibility splay which will have an urbanising effect to the detriment of the character and appearance of the area. The Council also consider that there would be a temporary negative impact while the new planting establishes and matures.
33. For the reasons set out in the previous main issue, I have concluded that the realignment of the hedgerow to the north-east of the access is necessary. Nevertheless, I do not consider that this re-alignment would have an urbanising effect or harm the rural character of the area. The required set back would be relatively modest and would be similar to the existing hedgerow to the south-west of the access. Similarly, I do not consider that the modest widening of the vehicular access and its re-surfacing would have an urbanising effect and cause harm to the character and appearance of the area.
34. I acknowledge that there may be a negative visual effect whilst the new re-aligned planting matures, however any negative effect would be minimal, short term, and far outweighed by the benefits arising in terms of highway safety improvements. Once matured the re-aligned hedgerow will be in keeping with the areas rural character.
35. For the reasons set out above, I conclude that the development does not cause harm to the character and appearance of the area. The development complies with Policies CS2 and CS18 of the CS, Policy DM2 of the DPD, and Policy FV6 of the FVNP. These policies seek, amongst other things, to ensure that developments protect the important areas of the district’s landscape and are in keeping with the scale, form, and character of its surroundings.

Living Conditions

36. The nearest residential property to the appeal site, other than Huncote Mill itself, is The Mill House which is located around 50-60 metres to the north-east. The Council consider that due to its countryside location, turning facilities, and access arrangement, the vehicle movements associated with the business result in significant noise and disturbance causing harm to the living conditions of neighbouring occupiers.

37. There is no dispute between the parties that the use falls within Class E(g)(ii) of the UCO, which is specifically defined as being a use which can be carried out in a residential area without detriment to its amenity. There is no evidence from either party to suggest that the actual research and development process that takes place on the site results in any significant noise and disturbance, and the primary concern relates to the extent of the associated vehicle movements.
38. The appellant estimates that there are up to twenty vehicle movements to the site per day, including those associated with the dwellinghouse. Vehicle sizes vary from cars up to vans and lorries. Whilst I acknowledge that some of the vehicles visiting the site, such as larger lorries, are not those which commonly visit residential sites, there is little evidence to suggest that those vehicles attend the site on a frequent basis. Furthermore, given the distance along with the intervening structures and planting between the appeal site and the nearest residential property, I consider it highly unlikely that vehicles attending the appeal site would give rise to significant noise or disturbance to neighbouring occupants, particularly during daytime hours.
39. The Council also raise concerns that no details regarding the operating hours were provided in the previous planning application⁴, and that emergency call outs on a 24-hour basis may be required. The appellant has indicated in this appeal that a condition regarding working hours and deliveries could be imposed to resolve any such concerns. Both on the evidence before me and from what I observed on my site visit, I see no reason to disagree. Such a condition would ensure that adjacent residents would not be subject to any noise and disturbance from vehicle movements during early mornings, evenings, or through the night when occupiers would have reasonable expectations for quieter background noise levels.
40. Similarly, a planning condition restricting the use of the appeal site to a use within Class E(g)(ii) would ensure that the site could not be used for a potentially more harmful use in Class E of the UCO.
41. Accordingly, subject to the imposition of appropriate planning conditions, I conclude that the development does not cause harm to the living conditions of occupiers of neighbouring residential properties. The development complies with Policies CS2 and CS18 of the CS, Policy DM2 of the DPD, and Policy FV6 of the FVNP. These policies seek, amongst other things, to ensure that developments do not have a significantly adverse effect on the amenities of residents in the area, including through noise pollution.

Location

42. Policy CS1 of the CS sets out the strategy for locating new development which seeks to encourage patterns of development which are accessible, and provide the appropriate quantity, quality and mix of employment to meet the needs of current and future populations. The appeal site is located outside the settlement boundary of Huncote as defined within the DPD and is within the countryside.
43. Policy CS18 of the CS states that, within the countryside, planning permission will be granted for limited small scale employment development subject to the consideration of its impacts. Given the number of employees and the nature of the business which falls within Use Class E(g)(ii) of the UCO, I am satisfied that the use should be considered as a limited small scale employment development. I have

⁴ Council Ref: 18/0714/FUL

already found above that, subject to appropriate planning conditions, there are no harmful impacts arising from the development. Consequently, there is no conflict with Policy CS18.

44. Policy DM3 of the DPD sets out that proposals for new employment development will be directed to employment land allocations, key employment sites and other suitable locations within settlement boundaries. Where no suitable sites are available, proposals for new employment development (including the former Use Class B1(b) which is now Use Class E(g)(ii)) will be supported on unallocated sites on the edge of the built-up area of the Principal Urban Area, Blaby, the Larger Central Villages, the Medium Central Villages, and the Rural Centre where the following criteria are met:
- a) Demonstrate that the proposal cannot reasonably be accommodated on suitable alternative sites, identified as vacant or developable, within the settlement boundary;
 - b) Benefit the local economy and not undermine the delivery of the employment allocations. In particular, proposals that provide affordable accommodation for small and medium sized businesses will be supported;
 - c) Be in line with the criteria set out in Core Strategy Policy CS6 concerning the suitability of sites;
 - d) Avoid an increase in traffic generation that would result in severe harm to the local road network; and
 - e) Give priority to previously developed land and premises.
45. Huncote is defined as a “Medium Central Village” and therefore, subject to the appeal site being on the edge of the built-up area of Huncote and all the above criteria being met, the proposal would be supported by Policy DM3. The appellant contends that the development meets all the above criteria.
46. In particular, the Council does not consider that the proposal satisfies criteria a), c), and e) of Policy DM3. Regarding criteria a), as part of the appeal the appellant has provided documentation demonstrating that there were no suitable alternative sites within Huncote or within a 1-mile radius when the search was conducted in July 2023. In respect of criteria c), the Council’s concerns relate to the harm to amenity that would be caused by any alterations that are required to be made to the site access. I have already found though that no harm to the character and appearance of the area would arise.
47. Finally with regard to criteria e), I disagree with the Council’s view that the entirety of the appeal site is not previously developed land. The appellant points to the fact that planning permission⁵ was previously granted for the use of much of the appeal site as a shooting school. More crucially though the Inspector found in the 2023 appeal decision that the hardstanding and buildings contained within the appeal site were immune from enforcement action and therefore lawful. In my view, the appeal site therefore constitutes previously developed land.
48. In view of the above I am satisfied that the proposal would meet all the criteria set out above. Nevertheless, the site is also required to be on the edge of the built-up

⁵ Council Ref: 08/0991/1/PX

area of Huncote. Despite its relative proximity, the appeal site is physically and visually detached from the settlement boundary of Huncote by intervening fields. This separation means that the site is not on the edge of the built-up area and is in the countryside for the purposes of decision making.

49. I therefore conclude that the appeal site is not a suitable location for the development having regard to the development plan. In this regard, the development is contrary to Policy DM3 of the DPD insofar as it requires employment development to be directed to employment land allocations, other suitable locations within settlement boundaries, or, where no suitable sites are available, to unallocated sites on the edge of the built-up area where specific criteria are met.

Planning Balance and Conclusion on ground (a)

50. I have found that the development would not be in a suitable location, with particular regard to the siting of employment development and the appeal site being located a short distance outside the settlement boundary of Huncote. The resulting conflict with Policy DM3 of the DPD leads me to conclude that, despite its accordance with other development plan policies, the development conflicts with the development plan as a whole.
51. However, whilst the development conflicts with Policy DM3 it would not significantly undermine the overall aims of the spatial strategy set out across Policies CS1, CS6, and CS18 of the CS for the reasons I have set out above. As a consequence, I attach limited weight to the conflict with Policy DM3.
52. Furthermore, I have concluded that the development does not detract from the character and appearance of the area, and that subject to appropriate planning conditions, would not cause harm to the living conditions of neighbouring occupants or cause harm to highway safety. These are therefore neutral matters in the planning balance.
53. Weighing in favour of the development is that it provides a valuable means of employment for a small number of staff, therefore contributing to the local economy. I am conscious of the advice in paragraph 88 of the National Planning Policy Framework (the Framework) that seeks to support a prosperous rural economy and that decisions should enable the sustainable growth and expansion of all types of businesses in rural areas, both through the conversion of existing buildings and well-designed new buildings. Paragraph 89 of the Framework advises that decisions should recognise that sites to meet local business in rural areas needs may have to be found adjacent or beyond existing settlements.
54. The development accords with the Framework policy approach to support the rural economy in these aspects. The development also makes use of previously developed land in a way that is sensitive to its surroundings and does not have an unacceptable impact on local roads. The development also accords with paragraph 89 of the Framework which states that the use of previously developed land should be encouraged where suitable opportunities exist. When taken together these matters attract significant weight in favour of the development.
55. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications for planning permission should be made in accordance with the development plan unless material considerations indicate

otherwise. However, in this instance, I find that the above material considerations outweigh the conflict with the development plan and carry sufficient weight to warrant a decision otherwise than in accordance with it. The appeal on ground (a) therefore succeeds.

Conditions

56. I have had regard to the various suggested planning conditions and have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made amendments as necessary to comply with those documents and for clarity and consistency.
57. To protect the living conditions of neighbouring occupants and to ensure that the site cannot be used for a potentially more harmful use under Class E of the UCO, I have imposed a condition restricting the use of the appeal site to a use within Class E(g)(ii). For the same reasons I have also imposed a condition stipulating that the appeal site cannot be sold, let, or otherwise disposed of separately from the main residential dwelling at Huncote Mill.
58. Conditions 3, 4, and 5 have been imposed to restrict the hours of operation for the use hereby permitted to protect the living conditions of nearby residents. As set out in the main issues above, the Class E(g)(ii) use is one which can be carried out in a residential area without detriment to its amenity. Consequently, the hours relating to deliveries and activities within the external yard are more restricted than the research and development processes that take place within the workshop building itself.
59. Condition 6 has been imposed to restrict the height that materials and equipment can be stacked within the yard. This is necessary to ensure that any materials and equipment continue to be screened by the existing trees and hedging and do not result in harm being caused to the character and appearance of the area.
60. Finally, conditions 7 and 8 require the submission of schemes relating to alterations and improvements to the vehicular access and landscaping. These conditions are required in the interests of highway safety to ensure that the necessary improvements to the vehicular access are carried out, and to protect the character and appearance of the area by ensuring that existing landscaping is retained and supplemented where necessary. This is also necessary to provide details of any re-located hedgerow following the alterations to the visibility splay at the site access.
61. The form of conditions 7 and 8 are imposed to ensure that the required details are submitted, approved, and implemented. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use negatively worded conditions to secure the approval and implementation of the outstanding matters before the development takes place. The conditions will ensure that the development can be enforced against if the required details are not submitted for approval within the period given by the conditions, or if the details are not approved by the Local Planning Authority or the Secretary of State, or if the details are approved but not carried out in accordance with those approved details and timetable.
62. I have declined to impose other suggested conditions including those which required the submission of site plan and floor plans, required timber cladding to be added to the elevations of the workshop, and removing permitted development

rights for gates, walls, fences and other means of enclosure within 14 metres of the highway boundary, In my view, such conditions would not be reasonable or necessary.

Conclusion

63. For the reasons given above, I conclude that the appeal succeeds on ground (a) and planning permission is granted for the development described in the enforcement notice. In these circumstances, the appeal on grounds (f) and (g) do not fall to be considered.

David Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The premises shall be used for Class E(g)(ii) use only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 2) The site shall not be sold, let, or otherwise disposed of separately from the residential dwelling at Huncote Mill, Croft Hill Road, Huncote LE9 3GR.
- 3) The workshop on the site and identified on Plan Ref TTP/B29.4b shall only be occupied and used in connection with the use hereby permitted between the following hours: 0630 to 2400 on Mondays to Fridays, 0800 to 1830 on Saturdays and Sundays.
- 4) The external yard area identified on Plan Ref TTP/B29.4b shall only be used in connection with the use hereby permitted between the following hours: 0730 to 1730 on Mondays to Fridays, and 0800 to 1430 on Saturdays. There shall be no use of the external yard area on Sundays, Bank Holidays, or Public Holidays.
- 5) Deliveries shall be taken at or dispatched from the site only between 0730 and 1730 on Mondays to Fridays, and between 0800 and 1430 on Saturdays. There shall be no deliveries taken at or dispatched from the site on Sundays, Bank Holidays, or Public Holidays.
- 6) Equipment and materials shall not be stacked above a height of 2.4 metres measured from ground level.
- 7) The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 90 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i. Within 3 months of the date of this decision a scheme for alterations and improvements to the vehicular access shall have been submitted for the written approval of the local planning authority. The scheme shall incorporate the recommendations made within the Edwards & Edwards Consultancy Ltd report dated July 2023, including alterations to the visibility splay to the north-east of the access and re-locating of the existing hedge, the widening of the access to a width of 6 metres, a control radii of 6 metres on each side, and the resurfacing of the access in a hardbound material for the first 10 metres. The scheme shall also include a timetable for its implementation.
 - ii. If within 11 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.

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

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.

- 8) The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 90 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
- i. Within 3 months of the date of this decision a scheme of landscaping shall have been submitted for the written approval of the local planning authority. The scheme shall include the following details:
 - a) All existing trees, shrubs, and hedges to be retained;
 - b) Any new tree, shrub or hedge planting including plant type, size, quantities and location;
 - c) The replacement of any trees, shrubs or hedge that die, are removed or become seriously damaged or diseased;
 - d) A timetable for its implementation.
 - ii. If within 11 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.

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 that legal challenge has been finally determined.