



Appeal Decisions

Hearing held on 29 April 2025

Site visit made on 29 April 2025

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 20th May 2025

Appeal A Ref: APP/M3645/C/24/3357967

Plots E and F, Land South of Plough Road, Smallfield Horley, Surrey, RH6 9SD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr John Fury against an enforcement notice issued by Tandridge District Council.
 - The notice was issued on 22 November 2024.
 - The breach of planning control as alleged in the notice is i) Without planning permission, the making of material change of use of the Land comprising of residential, and intensification of a caravan site for residential purposes by virtue of the stationing of caravans and static mobile homes; ii) Without planning permission operational development consisting of the regrading of land and the subsequent laying of hard surfacing materials which constitutes an engineering operation, the construction of an access with associated hardsurfacing, the installation of septic tank and drainage to the mobile homes brought onto the site and erection of boundary fencing and internal fencing to facilitate the unauthorised use of the land.
 - The requirements of the notice are i. Permanently cease the unauthorised residential use of the Land as a caravan site. ii. Permanently remove from the Land all caravans (including mobile homes), vehicles and all associated utility connections, bases, skirts and screens and other domestic paraphernalia from the Land. iii. Dig up the hardcore, rubble and other material to create the hardstanding area located within the red-lined area on the attached plan. iv. Dig up the hardcore, rubble and other material to create the access to the land marked blue on the attached plan. vi. Remove from the highway drainage ditch all material used to create the new access and restore the ditch to its condition and profile before the unauthorised works on the land commenced. vii. Reinststate the section of hedge that was removed to form the unauthorised access, marked in blue on the attached plan, as per the Schedule attached to this Notice as Annexure 1. viii. Remove all resultant materials generated from compliance with Steps iii and iv above.
 - The periods for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (e) 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 Ref: APP/M3645/C/24/3357971

Plot H, Dowlands Lane, Smallfield , RH6 9SD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Joe Doran against an enforcement notice issued by Tandridge District Council.
- The notice was issued on 22 November 2024.
- The breach of planning control as alleged in the notice is i) Without planning permission, the making of material change of use of the Land comprising of residential, and intensification of a caravan site for residential purposes by virtue of the stationing of caravans and static mobile homes.
- The requirements of the notice are i. permanently remove and caravan or mobile home from the land. ii. Permanently remove from the Land all miscellaneous items associated with storage of any caravan or mobile home from the Land.
- The period for compliance with the requirements is: 3 months.

- The appeal is proceeding on the ground[s] 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 C Ref: APP/M3645/C/24/3357972

Plot I (north), Land South of Plough Road, Smallfield Horley, Surrey, RH6 9SD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mrs Becky McGandy against an enforcement notice issued by Tandridge District Council.
 - The notice was issued on 22 November 2024.
 - The breach of planning control as alleged in the notice is i) Without planning permission, the making of material change of use of the Land comprising of residential, and intensification of a caravan site for residential purposes by virtue of the stationing of caravans and static mobile homes; ii) Without planning permission operational development consisting of the regrading of land and the subsequent laying of hard surfacing materials which constitutes an engineering operation, the construction of an access with associated hardsurfacing, the installation of septic tank and drainage to the mobile homes brought onto the site and erection of boundary fencing and internal fencing to facilitate the unauthorised use of the land.
 - The requirements of the notice are i. Permanently cease the unauthorised residential use of the Land as a caravan site. ii. Permanently remove from the Land all caravans (including mobile homes), vehicles and all associated utility connections, bases, skirts and screens and other domestic paraphernalia from the Land. iii. Dig up the hardcore, rubble and other material to create the hardstanding area located within the red-lined area on the attached plan. iv. Dig up the hardcore, rubble and other material to create the access to the land marked blue on the attached plan. v. Remove from the highway drainage ditch all material used to create the new access and restore the ditch to its condition and profile before the unauthorised works on the land commenced. vi. Reinstatement the section of hedge that was removed to form the unauthorised access, marked in blue on the attached plan, as per the Schedule attached to this Notice as Annexure 1. vii. Remove all resultant materials generated from compliance with Steps iii and iv above.
 - The period for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (e), (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.
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Appeal D Ref: APP/M3645/C/24/3357973

Plot I (south), Land South of Plough Road, Horley, RH6 9SD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Tom Connors against an enforcement notice issued by Tandridge District Council.
 - The notice was issued on 22 November 2024.
 - The breach of planning control as alleged in the notice is i) Without planning permission, the making of material change of use of the Land comprising of residential, and intensification of a caravan site for residential purposes by virtue of the stationing of caravans and static mobile homes; ii) Without planning permission operational development consisting of the regrading of land and the subsequent laying of hard surfacing materials which constitutes an engineering operation, the installation of septic tank and drainage to the mobile home brought onto the site and erection of boundary fencing and internal fencing to facilitate the unauthorised use of the land..
 - The requirements of the notice are i. Permanently cease the unauthorised residential use of the Land as a caravan site. ii. Permanently remove from the Land all caravans (including mobile homes), vehicles and all associated utility connections, bases, skirts and screens and other domestic paraphernalia from the Land. iii. Dig up the hardcore, rubble and other material to create the hardstanding area located within the red-lined area on the attached plan. iv. Dig up the hardcore, rubble and other material to create the access to the land marked blue on the attached plan. v. Remove from the highway drainage ditch all material used to create the new access and restore the ditch to its condition and profile before the unauthorised works on the land commenced. vi. Reinstatement the section of hedge that was removed to form the unauthorised access, marked in blue on the attached plan, as per the Schedule attached to this Notice as Annexure 1. vii. Remove all resultant materials generated from compliance with Steps iii and iv above.
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- The period for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (e) 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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Decisions

Appeal A

1. It is directed that the enforcement notice is corrected by the substitution of the plan annexed to this decision (labelled Plan for Appeal A – plots E and F) for the plan attached to the enforcement notice. Subject to this correction Appeal A 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 making of a material change of use of the Land comprising of residential, and intensification of a caravan site for residential purposes by virtue of the stationing of caravans and static mobile homes; at Plots E and F on Land south of Plough Road, Smallfield, RH6 9SD as shown on the substitute plan attached to the notice and subject to the conditions in the attached annex.

Appeal B

2. It is directed that the enforcement notice is corrected by the substitution of the plan annexed to this decision (labelled Plan for Appeal B – Plot H) for the plan attached to the enforcement notice. Subject to this correction Appeal B 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 making of a material change of use of the Land comprising of residential, and intensification of a caravan site for residential purposes by virtue of the stationing of caravans and static mobile homes; at Plot H on Land south of Plough Road, Smallfield, RH6 9SD as shown on the substitute plan attached to the notice and subject to the conditions in the attached annex.

Appeal C

3. It is directed that the enforcement notice is corrected by the deletion of requirements (iv), (v) and (vi); and the substitution of the plan labelled Plan for Appeals C & D Plot I) annexed to this decision for the plan attached to the enforcement notice.
4. Subject to the corrections, 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 making of material change of use of the Land comprising of residential, and intensification of a caravan site for residential purposes by virtue of the stationing of caravans and static mobile homes at Plot I (north) on Land south of Plough Road, Smallfield, RH6 9SD as shown on the substitute plan attached to the notice and subject to the conditions in the attached annex.

Appeal D

5. It is directed that the enforcement notice is corrected by the substitution of the plan annexed to this decision (labelled Plan for Appeals C & D Plot I) for the plan attached to the enforcement notice. Subject to this correction Appeal D 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 making of a material change of use of the Land comprising of residential, and intensification of a caravan site for residential purposes by virtue of the stationing of caravans and static mobile homes; at Plot I (south) on Land south of Plough Road, Smallfield, RH6 9SD as shown on the substitute plan attached to the notice and subject to the conditions in the attached annex.

Preliminary Matters

6. The appeals on grounds (e) and (f) were helpfully resolved before the Hearing opened. The Council accepted the red line on the plans attached to the notices in all four appeals were not quite accurate. Agreed plans were provided by the appellant during the hearing and I shall correct the notices to attach these.
7. It was also agreed that the requirements in appeal C relating to the access (requirements (iv), (v) and (vi)) all fell within the area of appeal D so the appellant in C was not responsible for them. I shall correct the notice to remove those requirements.
8. All four of the appeals rely on ground (a) and (g) and I shall deal with (a) for all four below. It was agreed at the Hearing that while all the families are friends there are no overriding family connections or reasons why they need to stay together and each appeal could therefore be dealt with on its own merits.
9. For ease of reference I have divided Plot I into two as it contains 2 pitches. Plot I (north) refers to the land subject to Appeal C and Plot I (south) refers to the land subject to appeal D.

The Appeals on Ground (a)

10. The main issues in all four appeals are whether the sites lie within an area of green belt that would qualify as 'grey belt'. The impact on the setting of the nearby listed building. Whether the Council can provide a 5 year supply of gypsy sites. Is the site sustainably located. The impact of the development on the countryside and residential amenity? The impact on ecology and whether the accesses can be made acceptable in highway safety terms.
11. In the past, gypsy sites in the green belt were considered to be inappropriate development. However, now government policy has changed to introduce the idea of grey belt. If the sites lie in the grey belt then they are not considered to be inappropriate development and green belt issues can be set aside. For land to be considered grey belt it must pass a series of tests. Firstly it must be land that does not "*strongly contribute*"¹ to purposes (a), (b) or (d) in paragraph 143 of the NPPF, the five purposes of including land in the green belt. Secondly, is it land affected by footnote 7 of the NPPF and if so does that "*provide a strong reason for*

¹ Quoted from the glossary definition of 'grey belt' in the NPPF

refusing...development"²? Finally does it meet the tests of paragraph 155 of the NPPF, in this case they are whether the development would "*fundamentally undermine the purposes (taken together) of the remaining green belt across the area of the plan*"; is there a demonstrable unmet need for the development and is it a sustainable location? The fourth test concerning the 'golden rules' does not apply to gypsy sites.

12. Purposes (a), (b) and (d) are to check the unrestricted sprawl of large built-up areas, prevent neighbouring towns merging with each other and preserve the setting of historic towns.
13. The site lies in the countryside on the south side of Plough Road and west side of Downlands Lane to the east of the village of Smallfield. That village extends up to the M23 and beyond that is Gatwick Airport and the town of Horley. The wider environs of the sites are open countryside with a scattering of hamlets, farms and houses, but more immediately, they occupy part of a large paddock which is bounded on all four sides by a scattering of houses, including the listed Smallfield Place to the north. The PPG makes it clear that when assessing purpose (a) this "*relates to the sprawl of large built up areas. Villages should not be considered large built up areas*"³. Beyond the paddock and its surrounding buildings, there are swathes of open countryside and the site lies some way from the nearest "large built-up area, which would be Gatwick and Horley, from which it is separated by the M25.
14. For purpose (b) the PPG again makes it clear this "*relates to the merging of towns, not villages*"⁴. There is no suggestion any towns would be merged by the development. Nor indeed would any villages. Purpose (d) relates to historic towns and there are no historic towns nearby. The site, therefore, does not contribute strongly to any of those three purposes. Some incredulity was expressed at the Hearing that no protection or consideration is given to villages within the green belt, but that is how the policy is worded.
15. Next is the question of footnote 7. This footnote describes the policies within the NPPF that would lead to the tilted balance not being applied and in this case the relevant policies concerns designated heritage assets. Smallfield House is listed II* and lies across Plough Road to the north. It stands in its own grounds with an access to Cogmans Lane, running north from appeal sites. Both parties provided heritage assessments and both relied on a recent appeal decision⁵ concerning the development of the appeal sites and wider paddock for 88 houses.
16. The Inspector in that appeal considered in detail the impact on Smallfield Place. He noted it had originally been surrounded by open fields, which reinforced the prominence of the imposing manor house. But, those fields had been enclosed, mostly by trees and hedging, and that relationship had been disrupted. He concluded that his appeal site was not particularly important to the historic understanding of the listed building. Nevertheless, he accepted the setting of Smallfield Place is defined by its rural nature and goes on to conclude the dense,

² Quoted from glossary – see above

³ PPG Paragraph: 004 Reference ID: 64-004-20250225

⁴ Same ref

⁵ Appeal Ref: APP/M3645/W/19/3243231

formal urban development proposed would harmfully affect the setting, especially when seen in close views from the street and from Smallfield Place⁶ itself.

17. From the historic maps provided it is clear that Smallfield Place was always surrounded by fields but that now a scattering of dwellings has grown up and there is a dense and tall screening hedge round the southern perimeter of the manor which hides it entirely from the appeal site. Indeed a pedestrian would be entirely ignorant of the existence of the building until they saw it down the drive from Cogmans Lane. There is thus, now no visual link between the manor and the land to the south. I can understand that despite this a large housing estate would not site comfortably so close to the listed building and I can understand the Inspector's less than substantial harm finding. But in this case the scattered caravans have little or no impact on the listed building at all. Most of the field remains open paddock and the gypsy sites themselves are already partly obscured by hedging and this due to be strengthened. In my view the setting of Smallfield Place is not harmed by the development.
18. Even had I decided otherwise, the harm would have been very much at the lower end of less than substantial harm. The Barnwell judgement was discussed at the Hearing. This reinforced the need to give considerable weight to the desirability of preserving or enhancing the setting of a listed building. However, I do not think this means that any less than substantial harm automatically means there is a '*strong reason*' for refusing planning permission. There is a difference between giving considerable weight to the legal test enshrined in the Act, and a finding, when all the balancing has been carried out that there is a strong reason for refusal in NPPF terms. They are two separate processes. The grey belt test requires an analysis of the proposal in terms of the policies set out in the NPPF alone. Thus the less than substantial harm to the heritage asset would need to be balanced against the public benefits accruing from the proposal. The very small amount of harm would only require a small benefit and as will become clear this would include providing a home for these gypsy families who would otherwise be homeless. Either way therefore, footnote 7 would not come into play, and even if it did and there were no public benefits, the amount of harm would still not provide a '*strong reason*' to refuse. I do not agree this would be double counting the benefit, it would just be counting it in a different place than usual and that conclusion would be carried forward to the final balance.
19. Finally I need to consider the paragraph 155 tests. Clearly the loss of this small area of a larger field would not fundamentally undermine the purposes when taken together of the remaining green belt within Tandridge, which is extensive. There would be a small amount of encroachment into the countryside, but not enough to be fundamental and this will be considered in the final balancing exercise.
20. A more important question is whether there is an unmet need for the development. Up until very recently Tandridge did not have a 5 year supply of gypsy sites nor did it have any proposals to remedy that situation. However, during the course of this appeal matters have moved on. Work has begun on a local plan and this is hoped to go for examination in 2027/8. A new GTAA has been produced which identified a need for 81 new gypsy pitches over the next 5 years (2025-2029). The GTAA achieved a high level of involvement and these new pitches essentially come from

⁶ The decision letter refers to 2 listed buildings, Smallfield Place and Crullings, but I was informed that Crullings was the same as Smallfield Place and this seems to be the case when the listing entry is read in the light of this knowledge.

demand identified within the existing pitches in Tandridge. The Council argue that of those 81, 63 will come from extending existing pitches and 12 from three pitches that should be occupied by gypsies but are not. Enforcement action has been started to evict the non-gypsy occupiers. That will leave 6 pitches short which can easily be provided from windfall sites over the 5 years.

21. The PPTS says that to be considered deliverable pitches should be available now, have a suitable location and there should be a reasonable prospect that development can be delivered within the 5 year period. It is not clear that the 63 pitches on existing sites meet this definition. They would rely on the owners of the sites wanting to expand and so applying for planning permission to do so. Some may well have growing families that need more space but others may not. I have no evidence that those identified by the GTAA with a desire to expand are the same as those identified by the Council as suitable to expand. Apart from a handful, where there are already permissions or temporary permissions that will be made permanent, the rest are all essentially windfall sites. We also do not know whether the enforcement action against the 12 pitches occupied by non-gypsies will be successful as none of us know what the situation of those residents is. It is obviously promising that something is being done and the Council may well have a large number of pitches to help it balance the books, but at the moment that is far from clear. So I do not think the Council can demonstrate a 5 year supply of pitches.
22. Secondly, most of the 63 are on private sites already controlled by existing families. They would not be likely to be available on the open market for incomers, such as the appellants. They confirmed at the Hearing that prior to arriving here, they had either been on overcrowded family sites where they had to move due to expansionist needs of their own families, or travelling on the road from temporary site to site. The one possibility was 10 windfall pitches on Downlands Road. These comprised 2 existing sites with 1 pitch on each, both of which had planning permission for 5 more pitches on each. While the owner was resident on one site the other was apparently completely vacant as it was owned by a gypsy who lived on the south coast. However, I have no information as to who could use the sites. Whether the appellants, who I understood to be Irish travellers, would be welcome there, or even whether the Council had a waiting list for its own site⁷ and whether these people might use the windfall sites? In other words I have no evidence that there is not a demonstrable unmet need for this type of development.
23. Thirdly, there is the question of locational sustainability. The NPPF says in the case of gypsy sites "*particular reference should be made to PPTS paragraph 13*". This is not the same as saying only paragraph 13 is relevant, which makes sense as paragraph 13 does not directly mention locational sustainability. All the children on site of the relevant ages attend the local primary school in Smallfield, which it was accepted had a good range of local facilities. The village is only a short walk along Plough Road. The problem with Plough Road is that while it is a minor road it is quite busy with traffic and does not have any footpaths or lighting. There is a wide verge in front of Smallfield Place, and further along pedestrians can cut across the local playing field into the village, but between the two is a stretch of several hundred yards where walking would not necessarily be pleasant, although it is possible. Given the sites meet all the criteria of paragraph 13 of PPTS and are

⁷ The Council's site is actually owned and managed by Surrey County Council

close to a village then in the context of a gypsy site (which are almost inevitably rural based) I consider that these are in a sustainable location.

24. Taking all this together, I do consider the appeal sites lie within the grey belt and so are not inappropriate development.
25. Moving away from the green belt, the issues remaining are the countryside, residential amenity, ecology and highway safety. I have already concluded there is no harm to the setting of the listed building so there is no need to consider the statutory test. There is, however, clearly a harmful impact on the countryside. A once large open paddock has been partly subdivided and 5 pitches created with a number of touring vans and mobile homes. If established it will be difficult to resist at least some form of amenity buildings, as well as all the usual storage and domestic paraphernalia associated with the gypsy's travelling lifestyle. This represents a significant intrusion into the rural character of the area which would be contrary to the Core Strategy policy CSP18 on design and CSP9 which deals with gypsy sites and requires that development should not significantly harm the character of the area.
26. The Council accept there is no impact on residential amenity. I note the proposed new access to site H would be opposite Smallfield Cottage in Dowlands Lane. There is already a new access to site I nearby so there would be an impact on the residents of that cottage with vehicles coming to and fro using the accesses. However, whilst a change, it is unlikely to be significant. Similarly the outlook from various cottages will change. It would be better to look at a field rather than a caravan site, but in planning terms there is no right to a view and the relatively small sites would not be so visually intrusive as to amount to harm.
27. The appellants provided a preliminary ecological assessment which identified the main issue as being great crested newts. In particular a pond to the south west which was not separated from the sites by a road may well support newts. The sites also needs to deliver a 10% bio-diversity net gain. The sites also fall within an Impact Risk Zone of Blindley Heath SSSI, although due to the distance from the SSSI and low impact nature of the development consultation with Natural England is not required. Of greater relevance is that they lie within a Red Impact Risk Zone for great crested newts according to Natural England's district level licensing scheme.
28. The upshot of this is that most of the ecological issues can be dealt with by replacing the newly planted laurel hedges with native hedgerows, controlling lighting and providing bird and bat boxes at suitable locations. The newt issue can be dealt with by securing a licence from NE, which would involve paying compensation to a fund enabling the Council to support new or improved newt habitats. There was some discussion about an eDNA survey of the nearby pond which was on privately owned land. The appellants explained this was not necessary. Its purpose would be to ascertain whether any great crested newts did live in the pond or not, but they accepted, for the purposes of the licence and compensation, they were likely to be there so further investigation was not necessary. I conclude therefore that the ecology issues can be dealt with by suitable conditions. A newt condition was suggested by the appellant and with suitable alteration to ensure it includes the NE licence will satisfy the newt issue.

29. The field originally had a single access on the corner of the crossroads junction where Plough Road meets Cogmans Lane to the north and Dowlands Lane to the south. That provides access to the rest of the field and currently to plot H. It seems the Donavons on H did not realise this access still belongs to the owner of the rest of the field, hence the need for a new access to H off Dowlands Lane. The Council have no problem, in terms of highway safety with the proposed access or the existing access off Dowlands Lane to plots H and I. Their concern was with the new access to plots E and H off Plough Road. However, it was agreed the required site lines could be provided, and as I saw on site, the hedgerow was thick enough to survive if partly cut back to accommodate these site lines. Further planting could be secured by way of the proposed landscaping plan. Consequently the only loss of hedgerow is the actual entrances themselves and this is more than compensated for by additional planting on the site.
30. I also need to consider the sites against policy CSP9 which is the gypsy site policy from the core strategy. Parts of this policy are now out of date due to the grey belt issue but criterion (b) refers to visual amenities and character and appearance, (d) to safe access to the highway and (f) to non-car modes of transport. Criteria (b) and (d) are dealt with above and (f) is also largely considered above. I would add also that it only requires '*preference*' to be given to sites that have non-car modes of transport. In this appeal I do not think the development is contrary to this policy. Criterion (c) is about pitch sizes which are acceptable and (e) ancillary business space which is not required. Apart from (b) therefore, the sites are in accord with CSP9.

Conclusions

31. I conclude that the sites in question are on land that forms part of the grey belt. There is no harm to the setting of Smallfield Place, no harm to residential amenity and acceptable accesses to the highway can be secured by condition as can bio-diversity net gain and protection of newts. The Council cannot, at the moment, show a 5 year supply of sites and the appellants have no alternative sites available. Nevertheless, the site is intrusive in the countryside and causes significant harm to the character and appearance of the area. It is thus, not suitable as an unrestricted gypsy site.
32. However, I have also taken into account the personal circumstances of the appellants and their families. On plot E are Jerry Fury with his partner and two young children, one at school. On F are two families, Mr and Mrs Fury senior and John Fury, his partner and 3 young children, one who is at school. On H are Joe Donavon, his partner and 3 older children, two of whom are of school age; whilst on the northern half of I are Becky McGandy, her partner and 5 children, 3 of whom are at school and on the southern half Tom Connors, his partner and 1 baby. These would all benefit from a stable base, particularly for the education of their children. When the best interests of the children are also taken into account, these factors outweigh the harm to the character and appearance of the countryside and a personal permission is acceptable.
33. I have no need therefore to consider whether less pitches would be appropriate or to consider the ground (g) appeal.

Conditions

34. The site should be restricted to named gypsy families as discussed above. Otherwise the number caravans should be restricted to 2 per pitch of which only 1 should be a mobile home except on Plot F where Mr Fury senior lives with John Fury jr. No vehicles over 3.5 tons are allowed on site and no commercial activities carried out. These are all to protect local character and residential amenity. Finally two existing use conditions are required, one for bio-diversity and newts and one for a site management plan which should include external lighting, drainage, day room provision, parking and turning areas, landscaping and access site lines.

Simon Hand

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Simon McKay – agent

John Fury -

Jerry Fury - appellants

Mike McGandy -

FOR THE LOCAL PLANNING AUTHORITY:

Ryno van der Hoven – planning officer

Chris Reynolds – listed buildings

Cliff Thurlow – planning advisor

INTERESTED PARTIES:

Jeannie Ryan – Parish Council

Matthew Brooksbank – Nexus Planning

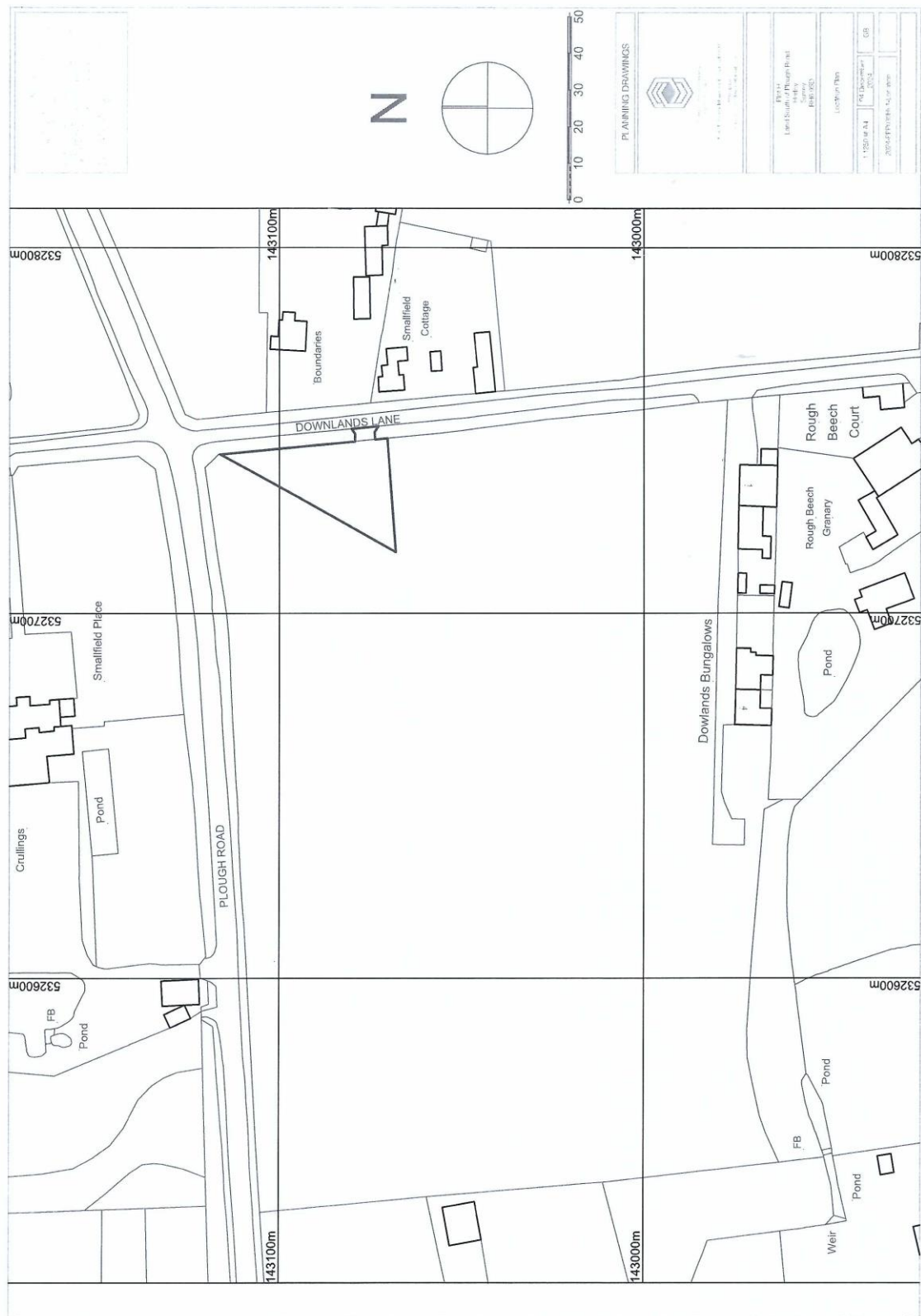
Nick Smith – Nexus Planning

DOCUMENTS

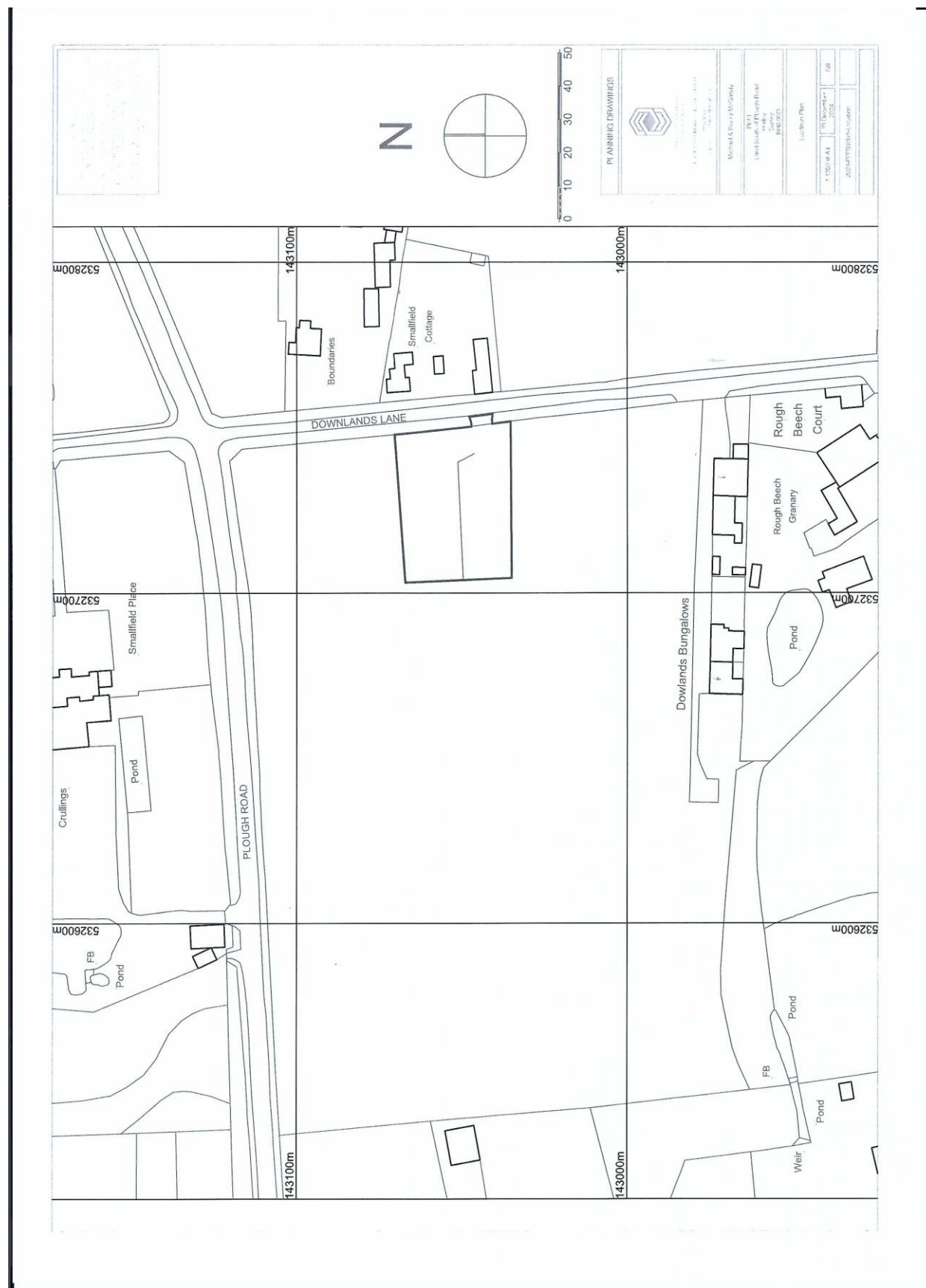
1. Historic maps of Smallfield Place



Plan for Appeal B - Plot H



Plan for Appeals C & D – Plot I



Conditions Annex

Conditions for all appeals A, B, C and D

- 1) The sites shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 2) Other than for Plot F, no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan) shall be stationed on each pitch at any time. That is 2 caravans on Plot E, 2 caravans on Plot H, 2 caravans on Plot I (north) and 2 caravans on Plot I (south). On Plot F 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 caravans) shall be stationed on the plot.
- 3) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the sites.
- 4) No commercial activities shall take place on the sites, including the external storage of materials.
- 5) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 14 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 4 months of the date of this decision a scheme (a) for the means of foul and surface water drainage of the site; (b) for proposed and existing external lighting on the boundary of and within the site; (c) for improved visibility splays at the site access; (d) for the internal layout of the site, including the siting of caravans, plots, hardstanding, access roads, parking and amenity areas; (e) for tree, hedge and shrub planting around the boundary of the site, including details of species, plant sizes and proposed numbers and densities; (f) for the restoration of the site to its condition before the development took place when the site ceases to be occupied by those permitted to do so, (g) showing details of proposed amenity buildings, (h) showing details of a fast charge electricity socket, (7Kw Mode3 with a Type 2 Connector 230V/AC 32 Amp single phase dedicated supply) for each pitch, (i) showing details of the facilities for storage and collection of refuse and waste, (j) to achieve measurable biodiversity net gain of at least 10% and mitigation including a timetable for implementation, monitoring and management and, (k) for a precautionary great crested newt method statement, including securing a licence from Natural England and any mitigation if necessary, (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the scheme shall 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, any part of 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 site development scheme specified in this condition, that scheme shall thereafter remain in use. In particular, other than those elements that are agreed in the site development scheme by the Local Planning Authority, there shall be no external lighting, no hardstanding and no amenity or other buildings constructed on site.

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.

For Appeal A - Plots E & F only

- 6) The occupation of the site hereby permitted shall be carried on only by Jerry Fury & Teresa Nolan and their resident dependants, John Fury Jr and Mary-Anne Fury and their resident dependants and Mr and Mrs Fury senior.

For Appeal B – Plot H only

- 7) The occupation of the site hereby permitted shall be carried on only by Joe and Mrs Donavon and their resident dependants.

For Appeal C – Plot I (north) only

- 8) The occupation of the site hereby permitted shall be carried on only by Becky and Mike McGandy, their resident dependants and Becky McGandy's mother Pauline.

For Appeal D – Plot I (south) only

- 9) The occupation of the site hereby permitted shall be carried on only by Tom and Mary Connors and their resident dependants.