



Appeal Decision

Hearing held and site visit made on 23 April 2025

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/P0240/C/25/3358669

Ash Tree Paddock Stanbridge Road, Great Billington, Leighton Buzzard LU7 9JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Hughie Fury against an enforcement notice issued by Central Bedfordshire Council.
- The notice was issued on 2 December 2024.
- The breach of planning control as alleged in the notice is “Without planning permission, the material change of use to a residential caravan site for Gypsy and Travellers through the stationing of caravans on the Land, along with associated development to facilitate that use.”
- The requirements of the notice are:
 - I. Cease using the land as a residential caravan site; and
 - II. Remove from the land all caravans, mobile homes, vehicles, and other items associated with the unauthorised use of the Land.
 - III. Restore the Land to its previous condition prior to the unauthorised change of use.
- The period for compliance with the requirements is 6 calendar months from the date the notice takes effect.
- 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) (“the 1990 Act”). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Matters Concerning the Enforcement Notice

1. The Council explained that the enforcement notice (“the notice”) alleges a material change of use *“along with associated development to facilitate that use”* as a second enforcement notice addressed the unauthorised operational development that has occurred. An appeal against the second notice has not been made.
2. Expanding the *“associated development”* to include the operational development identified in the second enforcement notice would prejudice the Council as their case does not address this matter. To give the allegation precision, it was therefore agreed that reference to *“associated development to facilitate that use”* should be deleted. No injustice would arise from the deletion of these words as the extent of the allegation is reduced. The appeal shall therefore proceed based on the material change of use only.
3. Discussions regarding the location of each of the 3 unauthorised pitches concluded that undeveloped paddock land has been incorrectly included within the red line shown on the plan attached to the notice. A reduced red line area can accommodate the 3 pitches while excluding the undeveloped paddock area. No injustice would therefore arise from a corrected plan being substituted, the extent of which was agreed and confirmed in an amended plan handed up at the Hearing (‘HD1’).

Preliminary Matters and Background

4. The Hearing opened on 23 April 2025 and sat for one day. All evidence was heard, and an accompanied site visit was carried out. A draft copy of a Unilateral Undertaking (“the UU”) to secure the necessary financial contribution towards mitigating recreational pressures on the Chiltern Beechwoods Special Area of Conservation (“the SAC”) was provided. The Hearing was adjourned to allow the UU to be completed. The agreed and completed UU was received on 2 May 2025 and I closed the Hearing in writing on 8 May 2025.
5. The property known as Ash Tree Paddock includes a central access road from which several Gypsy and Traveller pitches and 3 grass paddocks are accessed. On the eastern side of the central access road are 4 Gypsy and Traveller pitches (Plots 1, 2, 3a and 3b), which have the benefit of planning permission. A fifth pitch is the subject of an extant enforcement notice. The paddock land to the west of the central access road was previously used for purposes incidental to the occupation of plots 1, 2, 3a and 3b. Parts of two paddocks have been hard surfaced and are being used as a residential caravan site by Gypsy and Travellers.
6. Four generations of the appellant’s extended family reside at Ash Tree Paddock. The older generations have lived here since 2007, when the original temporary permission for 3 pitches was granted. Since then, the appellant’s children have grown up, have got married and have started families of their own. The Hearing was told the appellant’s children have lived at Ash Tree Paddock all their lives.

The Ground (a) appeal and the Deemed Application for Planning Permission

7. An appeal on this ground is that planning permission should be granted for the corrected matter alleged. The **main issues** are therefore:
 - Whether the appeal site comprises grey belt land and whether the development is inappropriate in the Green Belt having regard to the National Planning Policy Framework (‘the Framework’) and relevant development plan policies;
 - The effect of the development on the openness and purposes of the Green Belt;
 - The effect of the development on the Chiltern Beechwood Special Area of Conservation including Ashbridge Common Site of Special Scientific Interest (“SSSI”); and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development if it is found to be inappropriate in the Green Belt.

Reasons

The Planning Unit

8. There is no dispute that the alleged material change of use has taken place, the extent of the planning unit could therefore be relevant and was discussed. The appellant argues that all the land forming the property known as Ash Tree Paddock is a single planning unit used as a residential caravan site for Gypsy and Travellers

with incidental paddocks used for the keeping of horses. Conversely, the Council argue that each pitch and each paddock are individual planning units as they are separated from one another by fencing.

9. The number of caravans that can be stationed on the land forming Ash Tree Paddock, in connection with its use as a residential caravan site for Gypsy and Travellers, is restricted to a maximum of 8, of which no more than 4 can be mobile homes. Furthermore, the land within which those 8 caravans can be lawfully sited excludes the land identified in the corrected notice plan. These restrictions are imposed by planning conditions irrespective of whether there is a single or multiple planning units. The planning unit is not therefore determinative in this case.

Planning Policy

10. It is a matter of common ground that the occupiers of the caravans and mobile homes on the corrected appeal site meet the definition of Gypsy and Travellers set out in Annex 1 of the Planning Policy for Traveller Sites 2024 ("the PPTS 2024").
11. Policy SP4 of the Central Bedfordshire Local Plan 2015 – 2035 (July 2021) ("the LP") applies to development in the Green Belt and advises that there is a general presumption against inappropriate development.
12. Policy SP8 states the Council has approved enough pitches to meet the accommodation needs of Gypsy and Travellers throughout the plan period. It also confirms that windfall applications for pitches, such as this one, will be determined against policy H7.
13. Policy SP7: Windfall Development applies to housing, employment and other uses including new retail, service and community facilities. I acknowledge that the list of uses is not a closed list. Policy SP7 seeks to prevent the provision of windfall development outside of settlement boundaries. However, criterion 1. of Policy H7 states "...*pitches would not dominate the nearest settled community...*", suggesting that pitches would be outside settlement boundaries. As the two policies directly conflict with one another, I find that policy SP7 does not apply to Gypsy and Traveller development.
14. Policy H7 sets out the criteria against which planning applications for Gypsy and Traveller Sites will be assessed. The Council concede that the development does not dominate the nearest settled community or place undue pressure on local infrastructure. Furthermore, they accept that a good standard of amenity for all existing and future occupants is achieved and matters such as site design and drainage can be satisfactorily addressed through the imposition of suitably worded conditions. The only H7 criteria in contention are 2. relating to character and appearance, and 5. relating to services being within reasonable travelling distance. These matters are addressed below.

Character and appearance of the locality

15. Policy EE5 of the LP requires development to respect, retain and enhance the character and distinctiveness of the local landscape. The appeal site does not lie within any designated landscape area.
16. The appeal site lies in a relatively flat countryside location. Farmland within the wider locality is predominantly put to grass with fields being separated by high native species hedgerows, although some fields have been divided by post and rail

fencing. The surrounding landscape is not devoid of development. Residential ribbon development extends westwards along the northern side of Stanbridge Road, beyond the appeal site. To the east, along both sides of Stanbridge Road are several other Gypsy and Traveller developments. Beyond those are several commercial businesses that include a recycling centre, where materials are piled to a significant height above adjacent developments and hedgerows.

17. The development is contained within the Ash Tree Paddock property, which has substantial native species hedgerows adjacent to Stanbridge Road and its western boundary. There is also a substantial hedgerow to the south. While it is possible to see the development from The Rye, views are fleeting, glimpsed through field gates, and the development is seen against a backdrop of lawful development. Furthermore, views from The Rye are dominated by the piles of materials at the recycling centre, which are considerably more intrusive.
18. The scale and layout of the development is in keeping with the adjacent authorised development. While it remains within the outer boundary of the Ash Tree Paddock property, it undoubtedly encroaches westwards into what was undeveloped paddock. While the development respects the scale of development in this locality, it does nevertheless nominally extend the established pattern of development on the southern side of Stanbridge Road in a westerly direction.
19. Additional residential pitches will inevitably increase the comings and goings of vehicles to some degree. Although I acknowledge that the residents have not lived anywhere but here. The general level of residential activity will also be increased into areas of the property where activity would previously have been limited to that associated with the keeping of horses. Much of this activity would however be screened from external views and any increase in vehicular movements would be, more likely than not, of a level that would be indiscernible from other highway users on this relatively busy road.
20. For these reasons, the development causes limited harm to the character and appearance of the wider landscape, in conflict with policies EE5 and criterion 2 of policy H7.

Sustainability

21. There is no disagreement between the main parties that adequate schools, shops, healthcare, and other community facilities are located within reasonable travelling distance, in accordance with policy H7. The Council however argue that these facilities are not accessible by modes of transport other than by private motor vehicle. Neither policy H7 nor paragraph 13 of the PPTS 2024 require facilities to be accessible by a variety of transport modes for Gypsy and Traveller sites to be considered sustainable. Furthermore, it is generally accepted that Gypsy and Traveller sites will be in the countryside, where access to other modes of transport will be restricted.
22. The Gypsy and Traveller nomadic habit is focused on travelling for work. Having to travel by private motor vehicle is therefore an inherent aspect of the appellant and his family's way of life. Providing a fixed base does however allow Gypsy and Travellers to access education and health facilities, which they otherwise would not have access to. In my judgement, access to health and education facilities in this case outweighs the lack of access to alternative modes of transport, and I therefore find the appeal site to be sustainable.

Need for Gypsy and Traveller sites

23. The Council confirmed that the need for 29 Gypsy and Traveller pitches identified in the Gypsy and Traveller Accommodation Assessment 2016 ('the GTAA 2016') was based on the Annex 1 definition set out in the PPTS 2015. Following the revised definition published in the PPTS 2023, the Council recalculated their need figure as being 34 pitches. This figure was still based on the GTAA 2016. As planning permission had been granted for more than 34 pitches in the first 8 years of the LP's term, the Council has previously argued that they have no need to allocate land for pitches and that they have no need of a five-year land supply to meet the needs of Gypsy and Travellers.
24. Following the revision of the Annex 1 definition published in the PPTS 2024, the Council has recalculated its need for pitches throughout the plan period as being 167 pitches. That figure is still based on the GTAA 2016, which the Council now accept is out of date. While a new GTAA is being progressed, it is yet to be published. The Council anticipate that the need figure will rise again once the new GTAA is published. The Council advises that 100 pitches have been delivered over the plan period so far, however they recognise that there remains a significant shortfall in provision.
25. The Council conceded at the Hearing that they do not have a five-year supply of sites to meet the needs of Gypsy and Travellers and therefore there is an identified shortfall in Gypsy and Traveller pitches. They also confirmed that there are no alternative sites that are reasonably available to the occupiers of the Land.

Chiltern Beechwood Special Area of Conservation including Ashbridge Common SSSI

26. The SAC covers up to 1,300 hectares and it is predominantly comprised of Heath, Scrub, Maquis and Garrigue, Phygrana, Dry grassland, Steppes and Broad-leaved deciduous woodland. The main qualifying feature is the *Aspeulo-Fagetum* beech forests. The Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) and Stag beetle *Lucanus cervus* are also qualifying features. The appeal site falls within the SAC's zone of influence.
27. As the competent authority, I have a duty to undertake an appropriate assessment. The SAC is a protected habitat site. The development provides additional overnight accommodation, which is considered to have a likely significant effect on the integrity of the SAC due to recreation and visitor pressures. The scope and content of this appropriate assessment is proportionate to the nature, location, duration and scale of the development and the interest features of the SAC.
28. The Council has provided a copy of the 'Chiltern Beachwoods Special Area of Conservation Mitigation Strategy for Ashridge Commons and Woods Site of Special Scientific Interest' ("the SPD"), which is a jointly produced mitigation strategy covering several local authority areas. It provides strategic guidance for all the affected authorities and detailed guidance for Central Bedfordshire. The SPD sets out a methodology for calculating the mitigation funding for the lifetime of the development. The mitigation funding will contribute to access management, provision of alternative recreational green space, education and awareness promotion, in addition to monitoring and research. Natural England, as the statutory nature conservation body, supports the use of the SPD and its mitigation strategy.

29. The appellant has provided a UU to secure the payment of the relevant mitigation funding and associated administrative and monitoring costs. Natural England, through its support of the mitigation strategy, confirms that the UU will satisfactorily mitigate the effects of the development on the SAC. The provisions of the UU are necessary to make the development acceptable in planning terms; they are directly related to the development and are fairly and reasonably related in scale and kind to the development. The UU therefore meets the relevant tests, and the planning obligation is a material consideration which satisfactorily mitigates harm in this case.
30. For these reasons, the development accords with policy EE3 of the LP which requires development to respect biodiversity and protect and enhance the integrity of the SAC. The development also complies with the Conservation of Habitats and Species Regulations 2017 (as amended).

Grey Belt

31. There is no dispute that the appeal site does not strongly contribute to any of purposes (a), (b) or (d) of paragraph 143 of the Framework. The provision of the UU addresses harm arising from recreational pressure on the SAC. Policies within the Framework relating to habitats sites and/or designated as Sites of Special Scientific Interest, or any other footnote 7 policies, do not therefore provide a strong reason for refusing or restricting the development. The appellant and Council agree that, with SAC mitigation measures secured by the UU, the appeal site constitutes grey belt land, and I concur.

Whether the development is inappropriate in the Green Belt

32. The fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The five purposes of Green Belt include safeguarding the countryside from encroachment.
33. Substantial weight should be given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
34. Paragraph 154 of the Framework sets out forms of development that are not inappropriate within the Green Belt. The development does not fall within any of the types specified in paragraph 154.
35. Paragraph 155 of the Framework goes on to state that *“the development of homes, commercial and other forms of development in the Green Belt should also 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 [the] Framework; and*

d) *Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157.”*

36. The development constitutes “*other development*” in the Green Belt. Paragraph 18 of the PPTS 2024 confirms the Golden Rules do not apply to traveller sites. I have already found the development to be sustainably located, and the appeal site to be grey belt land. Furthermore, there is a demonstrable need for this type of development.
37. The development is not near any large built-up area, nor does it contribute to the merging of towns into one another. It does not affect the setting and special character of a historic town. Furthermore, the development does not protrude beyond the established boundary of Ash Tree Paddock into the countryside. There are no reasonably alternative sites available to accommodate the development that would contribute to urban regeneration. In my judgement, the scale of the development would not therefore fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
38. For these reasons, the development complies with the criteria set out in paragraph 155 of the Framework. It is not therefore inappropriate development in the Green Belt. As such, there is no need to assess the development’s effect on openness. Nor is there any requirement for very special circumstances to be demonstrated or a Green Belt balance to be undertaken.

Intentional Unauthorised Development (IUD)

39. The Council state that the intentional unauthorised nature of the development is a material consideration in line with Government policy, which should be afforded significant adverse weight. The appellant does not dispute that the development amounts to IUD.
40. The appeal site is occupied by the appellant’s children, their spouses/partners and their resident dependents. At the Hearing the appellant told of how, prior to occupying the appeal site, the residents were doubling up on the authorised pitches at Ash Tree Paddock. However, the Council had advised that this doubling up was in breach of conditions imposed on the relevant planning permissions, and that enforcement action would be taken if the additional caravans were not removed from the authorised pitches. As there was nowhere else for the residents to move to, the additional caravans were moved on to the appeal site. The Council confirmed this sequence of events to be true at the Hearing.
41. The appellant’s children occupying the appeal site have not lived a roadside existence previously. Furthermore, the Council has confirmed that there are no reasonably available pitches or sites that the appellant’s children and their immediate families could have moved to. Notwithstanding the extent of the extant planning permissions, the appeal site forms part of the Ash Tree Paddock property. Given the proximity of the appeal site and its proximity to the authorised pitches, it is not difficult to understand why the appeal site would have been occupied in these circumstances.
42. Part of the underlying rationale for seeking to deter IUD is to avoid prejudicing the opportunity to mitigate the impact of the development through the use of planning conditions. In pleading ground (a), opportunity is provided to impose conditions to

mitigate the impact of the development. I am also mindful that the 1990 Act (as amended) makes provision for a grant of retrospective planning permission.

Other Matters

43. The Parish Council has raised concerns that the number of Gypsy and Traveller pitches taken together may be disproportionate to the scale of the settled community. This concern is not shared by the Council and no evidence to support the claim has been provided.

Conditions

44. A condition confirming that planning permission is restricted for residential use by Gypsy and Travellers (as defined in the PPTS 2024) is required to safeguard the site for this purpose. The acceptability of the development has not been justified by the personal circumstances of the appellant and his family, there is therefore no need for a personal condition or a condition setting out what happens to the site when it is no longer needed by named residents to be imposed.
45. A condition limiting the number of caravans stationed is needed to protect the character and appearance of the area. Conditions limiting the size of vehicles parked and preventing commercial activity on the site are also required in this regard.
46. A condition confirming the loss of the permission unless details are submitted for approval (including a timetable for implementation) concerning the site layout, foul and surface water drainage details, external lighting arrangements, biodiversity enhancements and soft landscaping works, including their replacement, if necessary, is required to address the limited harm to the character and appearance of the area I have identified and to comply with policies CC5: Sustainable Drainage and CC6: Water and Sewerage Infrastructure. This will take the form of a 'Site Development Scheme' (SDS).
47. The form of the SDS condition is imposed to ensure that the required details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matters before the development takes place. The condition will ensure that the development can be enforced against if the required details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.
48. A condition removing permitted development rights for means of enclosure and amenity or storage buildings/structures is required in the interest of preserving openness and enhancing the character and appearance of the area.

The planning balance

49. The development is not inappropriate development in the Green Belt and policy SP4 does not apply.
50. The circumstances leading to the IUD were inevitable given the lack of reasonably available alternative sites. The residents include young children, and a roadside

existence is not an appropriate alternative. I have found that the development only causes limited harm to character and appearance of the locality, which can be addressed by conditions. I therefore find that the harm to character and appearance attracts neutral weight and the IUD should be attributed nominal weight.

51. The Council's acceptance that they require a 5-year land supply of Gypsy and Traveller pitches and that they do not have one demonstrates that policy SP8 is out of date. There are no strong reasons for refusal on footnote 7 of the Framework grounds. The limited adverse impacts I have identified would not demonstrably outweigh the benefits. Paragraph 11(d) of the Framework, if engaged, supports the granting of planning permission in these circumstances. There is therefore a significant demonstrable need for Gypsy and Traveller pitches, to which I give significant weight.
52. In my judgement, the limited conflict with the development plan as a whole is outweighed by the unmet need for Gypsy and Traveller pitches.

Conclusion on ground (a)

53. For the reasons given above, I conclude that the appeal should be allowed. The ground (g) appeal does not therefore fall to be considered.

Formal Decision

54. It is directed that the enforcement notice is corrected by:

The deletion of the words "along with associated development to facilitate that use" in 3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL; and

The substitution of the plan annexed to this decision for the plan attached to the enforcement notice.

55. 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 material change of use to a residential caravan site for Gypsy and Travellers through the stationing of caravans on land at Ash Tree Paddock, Stanbridge Road, Great Billington, Leighton Buzzard LU7 9JH as shown on the Enforcement Notice Plan attached to this decision letter and subject to the conditions set out in the attached Schedule of Conditions.

M Madge

INSPECTOR

APPEARANCES

FOR THE APPEALLANT:

Simon McKay	SJM Planning – agent for the appellant
Hughie Fury Junior	Appellant
Patrick McCann	Resident
Hughie Fury Senior	Resident

FOR THE LOCAL PLANNING AUTHORITY:

Peter Vosper	Principal Planning Officer, Central Bedfordshire Council
Helen Heanes	Gypsy & Traveller Unit Manager, Central Bedfordshire Council
David Hale	Gypsy & Traveller Planning Manager
Ariane McEntire	Gypsy & Traveller Compliance Officer

PLAN

HD1	Corrected Enforcement Notice Plan (revised red line boundary)
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Enforcement Notice Plan

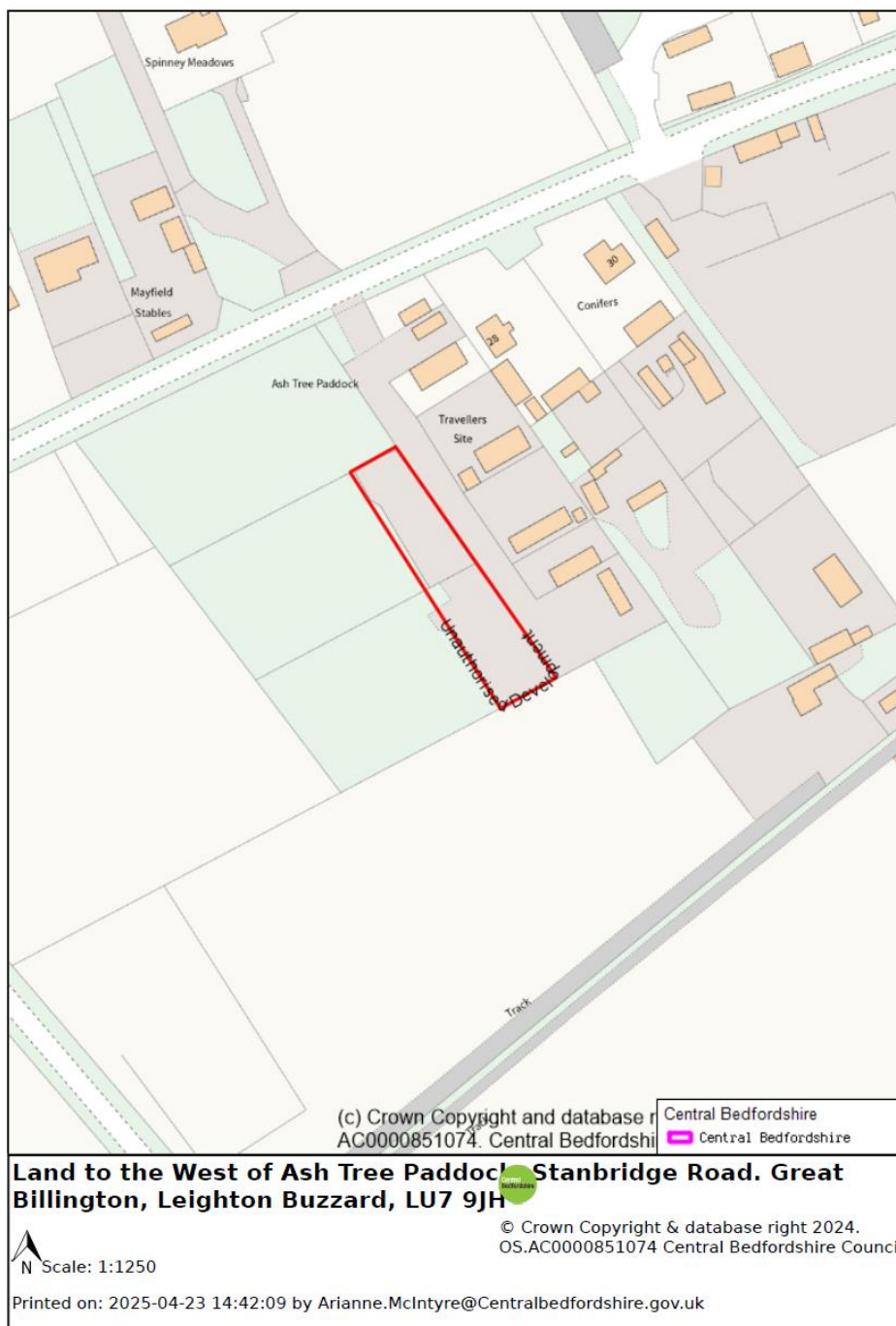
This is the plan referred to in this decision date: **21 May 2025**

by **M Madge Dip TP MA MRTPI**

Land at: Ash Tree Paddock, Stanbridge Road, Great Billington, Leighton Buzzard LU7 9JH

Reference: APP/P0240/C/25/3358699

Scale: Not to scale



SCHEDULE OF 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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 2) No more than 6 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 3 shall be static caravans) shall be stationed on the site at any time.
- 3) 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 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details submitted, within 4 months of the date of this decision a site development scheme with details for:
 - (a) the internal layout of the site including the extent of the residential pitches, the location of the caravans (reflective of actual scale), vehicle parking, vehicle turning areas, vehicle charging points/cabling, utility connections, siting of CCTV and the siting of the proposed buildings;
 - (b) a detailed surface water drainage scheme, to manage surface water for up to and including the 1 in 100 year event (+40%CC), the scheme shall be based on DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018);
 - include a simple investigation evidencing flood risk will not be increased for existing properties and the safety of the proposed development;
 - include volume for volume mitigation for flood water as a minimum, for all above ground construction;
 - not include the culverting of existing watercourses;
 - include a full set of calculations, providing evidence of all surface water retained on site for the 1 in 100 (+40%CC). Any exceedance should be shown with pathways with maximum depths and velocity and;
 - include full detailed drainage drawing showing all connections, control features, storage, inverts etc; and
 - include full detailed design of Land Drainage Consent under the Land Drainage Act 1991 for the discharge of surface water to an existing watercourse/ditch.

- (c) a detailed foul drainage assessment and scheme which shall;
- include a full detailed foul drainage drawing showing all connections, controls and storage, as well as details of any collection or discharge/ release arrangements;
 - include a connection to the public foul sewer unless it is demonstrated to the satisfaction of the Local Planning Authority that it is not reasonable to connect to the public sewer;
 - where a connection to the public foul sewer is not reasonable the scheme shall include a statement considering the following hierarchy of non-mains alternative solutions:
 - package sewage treatment plants (which may be offered to the sewerage undertaker for adoption);
 - septic tanks; and
 - cesspool(s)
 - include a completed FDA1 form, or equivalent information;
 - if considered necessary by the Local Planning Authority details shall be submitted to demonstrate how the requirement of Building Regulations Approved Document H will be met; and
 - details of the management and maintenance arrangements for the foul drainage system.
- (d) a biodiversity enhancement strategy and landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of 30 years, the scheme shall include:
- the removal of existing hardstanding;
 - scaled plans detailing the location of replacement hardstanding and details of the materials with construction specification for all hardstanding (which shall be in full accordance with the surface water drainage scheme for the site)
 - details of all boundary treatments and all other means of enclosure, which shall be more sympathetic in design for the location;
 - the retention of existing trees and hedgerows;
 - a comprehensive planting scheme with screen planting including details of species, plant sizes and proposed numbers and densities (plant species shall visually screen the site, respect the landscape context of the site and

contribute towards ecological enhancements); and a comprehensive biodiversity enhancement scheme, which shall detail the location and design of species specific enhancement measures, purpose and conservation objectives for any measures and a scheme for the maintenance and monitoring of the measures for a period of 30 years identifying persons responsible for implementing, monitoring and maintaining the scheme.

(hereafter referred to as the "SDS") 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 SDS 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 SDS specified in this condition, the matters approved and implemented shall thereafter be maintained/ retained/remain in use.

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

- 4) Notwithstanding the provisions of Part 2 (Minor Operations) or Part 5 (Caravan Sites) of schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking or re-enacting that Order no walls, gates, fences or any other means of enclosure or any amenity or storage buildings or other structures shall be erected on the appeal site other than in accordance with the SDS approved in accordance with condition 3.
- 5) No vehicles exceeding 3.5 tons in weight shall be kept on the site.

- END -