



Appeal Decisions

Hearing held on 15 April 2025

Site visit made on 15 April 2025

by **Peter Willows BA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 June 2025

Appeal A: APP/R1845/C/25/3358562

Appeal B: APP/R1845/C/25/3358563

Land at Drakelow Lane, Wolverley, Worcestershire

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mr Henry Smith (Appeal A) and Mrs Diane Smith (Appeal B) against an enforcement notice issued by Wyre Forest District Council.
 - The notice was issued on 27 November 2024.
 - The breach of planning control as alleged in the notice is without planning permission:
 - i. the construction of an unauthorised hardcore pad,
 - ii. the storage of materials, waste and items not associated with an agricultural use of the Land and
 - iii. the material change of use of Land from agricultural to a mixed-use comprising agriculture and the stationing of a campervan/motorhome for residential occupation.
 - The requirements of the notice are:
 1. Permanently remove the hardstanding/hardcore and membrane from the land and remove all resulting hardcore, rubble and materials from the land and re-grass the land.
 2. Permanently remove all materials and waste not associated with an agricultural use (including but not limited to; metal railings, kitchen sink, scrap metal, washing line, camping chairs, trailer, and bags of mixed waste) from the land and restore the Land to pasture.
 3. Permanently cease the use of the Land for a mixed use of agriculture and residential purposes and permanently remove the campervan/motorhome from the land and return the use to solely agricultural purposes.
 - The period for compliance with the requirements is 3 months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Appeal B is proceeding on ground 174(2)(g) only. 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 deletion of all wording at section 3 of the notice (the matters which appear to constitute the breach of planning control) and its replacement with the following:

Without planning permission:

- i. *the construction of a hardcore pad*
- ii. *the material change of use of Land from agricultural use to a mixed-use comprising agriculture and the stationing of a caravan for residential occupation.*

2. Subject to that correction, 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:
 - i. the construction of a hardcore pad
 - ii. the material change of use of Land from agricultural use to a mixed-use comprising agriculture and the stationing of a caravan for residential occupation

as shown on the plan attached to the notice and subject to the conditions in the attached schedule.

Appeal B

3. Since the notice is quashed as a result of my decision on Appeal A, no further action will be taken in connection with Appeal B.

Preliminary Matters

Statement of Common Ground

4. I was not provided with a Statement of Common Ground (SoCG) before the hearing but was advised at the event that a draft document was under discussion and might be completed before the close of the hearing. Following an adjournment, I was provided with a signed (but undated) SoCG document.
5. The SoCG says that it is agreed 'That the Ground A Appeal be allowed on a 3 year temporary basis for 1 single unit mobile home, personal to the Appellants and their resident dependents'. When I queried what was meant by this, it was clear that there was not, in fact, agreement on the matter. The appellant's position was that a 3-year temporary permission could be granted, although the preference was still for a permanent permission. The Council, on the other hand, still opposed the development, but would prefer a 3-year permission to a permanent one. While the appellant felt that the Council was resiling from an agreed position, it was clear, following discussion, where the parties stood on the matter, and I am satisfied that the issues relating to the appeal were fully discussed at the hearing on the basis of a proper understanding of the stance taken by both sides. Quite clearly, notwithstanding the wording of the SoCG, there was not agreement as to how the appeal should be decided.

The Enforcement Notice

6. At the hearing the allegation and requirements set out in the notice were discussed. The allegation at section 3 is split into three elements, the second of which is 'the storage of materials, waste and items not associated with an agricultural use of the Land'. I queried this, since the material change of use alleged in the third element of the allegation does not include a storage use. The Council confirmed that the storage is regarded as ancillary to the use alleged but not a primary use in its own right. Accordingly, I have removed it from the notice, since the material change of use alleged must relate to the primary use of the land rather than any ancillary uses.

7. I also queried whether the use alleged at section 3 iii properly captures the use now being carried out. Given that the campervan/motorhome is a caravan for planning purposes¹ the allegation would, in my view, be better expressed with reference to a caravan, which would be a better reflection of the actual use of the land taking place.
8. Both parties were content that changes along the above lines could be made without causing injustice, a view I share, and I shall correct the notice accordingly. I have also removed the unnecessary reference to the hardcore pad being 'unauthorised', a change which does not change the meaning of the notice and, again, causes no injustice to either party.
9. At the hearing, I also queried whether the reference to returning the land to agricultural purposes is necessary, on the basis that the notice should focus on securing the cessation of the unauthorised use, rather than seeking the resumption of a previous use. However, since the notice is to be quashed, the requirements will not take effect, and it is therefore not necessary to make any change to the notice in that respect.

The appellant's proposals

10. The appellant (Appeal A) proposes 2 alternative site layout plans. However, both of these involve moving an existing stable building, which would be development in its own right, beyond the matters alleged in the notice. Consequently, it falls outside the scope of the deemed planning application arising from ground (a). Nevertheless, I have had regard to the drawings insofar as they show how the site might be landscaped and laid out in other respects, matters which could be controlled with planning conditions.
11. A different caravan, including a mobile home of the type contemplated in one of the appellant's options, would fall within the scope of the allegation as corrected.

Ground (a)

Main Issues

12. The site lies within the West Midlands Green Belt. It is common ground that this is inappropriate development in the Green Belt. With that in mind, the main issues are:
 - The effect of the development on the openness of the Green Belt and its purposes.
 - The effect of the development on the character and appearance of the locality, the Wolverley Conservation Area and other heritage assets.
 - Whether the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, including any need for the development and the personal circumstances of those living at the site, so as to amount to the very special circumstances necessary to justify the development.

The Green Belt

13. Policy DM.22 of the Wyre Forest District Local Plan (2016-2036) sets out the approach to safeguarding the Green Belt. It generally follows national policy that

¹ See s29 of the Caravan Sites and Control of Development Act 1960 and s13 of the Caravan Sites Act 1968 as amended

applied at the time the plan was produced but does not align with aspects of Green Belt policy introduced in the 2024 revision of the Framework. But whichever approach is applied, this is inappropriate development within the Green Belt. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DM.22 adopts a broadly similar approach.

14. The presence of the motor caravan on the site, together with items such as a portable toilet, kennel, fencing and garden furniture, have eroded the openness of the site and the Green Belt. The hardcore pad creates the opportunity for the parking of vehicles, with consequent further harm to openness. The fact that these items are located close to a substantial hedge rather than in a more open part of the site limits the effect of this to an extent. Nevertheless, since the Framework advises that openness is one of the essential characteristics of Green Belts, some harm arises from the loss of openness.
15. It is common ground that one of the 5 purposes of Green Belt - to assist in safeguarding the countryside from encroachment – is compromised by the development, a view I share. The introduction of a residential use and living accommodation in the form of the motor caravan, together with the hardstanding and fencing, have created a more urban character at a site that was plainly rural in character. The impact is limited to part of the site only, much of it being retained for grazing. The layout of the development could be controlled with planning conditions.

Character, appearance and heritage assets

16. The appeal site is a field which lies alongside a country lane on the edge of the village of Wolverley. Part of the site is at road level, but it falls away further within the site. The site has a lengthy frontage to Drakelow Lane and a substantial hedge runs along this boundary. New close boarded fencing has now been erected behind this hedge. When I visited the site, trees and hedgerows were in leaf and views of the fence were limited, although it could be seen through gaps in the hedge and, in particular, at the site entrance.
17. The access and hardstanding have been formed along the front boundary of the site, to the rear of the hedge. When I visited the site the motor caravan was parked on the hardstanding at the western end of the site.
18. The site lies within, but on the edge of, the Wolverley Conservation Area, and the effect of the development on a number of listed buildings has also been raised. The appellants have provided a detailed heritage appraisal of the development by a qualified specialist.
19. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Where development affects a listed building or its setting, section 66 requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In accordance with the advice in the Framework, I attach great weight to the conservation of the heritage assets in this appeal.

20. I saw that the Conservation Area has a distinctive character, derived in part from its steep topography and sandstone cliffs, varied architecture, a range of materials, including red brick, some key buildings and significant areas of fields and pasture such as the appeal site (prior to the development). The Church of St John the Baptist, a Grade II* Listed Building of red brick construction, stands on high land and is seen in many views around the village, including from Drakelow Lane and the appeal site. Two memorials within the churchyard – the Woodward memorial and the Talbott memorial – are Grade II listed.
21. I understand that the village expanded during the 18th Century due to the development of iron mills in the area, but the surrounding fields will have been farmed, and it appears that the appeal site was formed as a result of enclosure in the 18th Century. The current boundaries of the field were formed by 1882. Thus, the field is a typical and long-standing element of the rural surrounds to the village of Wolverley and contributes to the significance of the conservation area.
22. Much of the appeal site is essentially unchanged by the development and continues to be used for grazing. However, there has been a marked change in that part of the site closest to the road. In particular, the introduction of a residential use and living accommodation in the form of the motor caravan, together with the hardstanding and fencing, portable toilet and dog kennel, along with domestic paraphernalia such as garden furniture, have created a more urban character on land that was firmly rural in character before. This detracts from the rural character of the site and the contribution it makes to the significance of the conservation area.
23. I agree that the visual harm could be reduced to an extent by landscaping and revised boundary treatment. In particular, there is scope to improve the appearance of the entrance of the site by removing the existing close-boarded fencing, something that could be secured with a planning condition. Nevertheless, some of the pasture surrounding the core of the village would be lost, and that harm would remain. Lighting at nighttime would also erode the rural character of the site, even if controlled by planning conditions. While views into the site are limited due to the topography and screening, much of it, including the area occupied by the motorhome, is easily seen from the public footpath that runs past the site. Overall, in my view, there is moderate harm to the character and appearance of the conservation area, which could be reduced to a low level with mitigation measures.
24. As to other heritage assets, the church has a wide setting, formed of the churchyard, the built-up part of the village and the surrounding fields and pasture, including the appeal site. The setting provided by the fields and pasture is important to the significance of the church, given its role as a prominent public building at the heart of the village, serving the village and its rural surrounds. Due to its urbanising effect, the development has eroded the rural character of the site and thereby harms the setting of the church, detracting from its significance. However, the scale of the development, its distance from the church and the screening at the site lead me to agree with the assessment within the appellant's heritage appraisal, which finds a low level of harm to the significance of the church. This harm could be reduced, but not entirely eliminated, with some of the mitigation works proposed by the appellant, including changes to the boundary treatment and landscaping.
25. The listed memorials are smaller structures, experienced in the more immediate setting of the churchyard rather than the wider landscape. In my judgement, the setting of the memorials is not affected by the development.

26. I conclude that the character and appearance of the locality, the conservation area and the setting of the listed parish church have been harmed. This gives rise to conflict with the aims for the countryside, local character, landscape and the historic environment within policies SP.2, SP.20, SP.21, DM.23, DM.24 and DM.26 of the local plan.
27. The Framework advises that where, as in this case, the harm to the significance of designated heritage assets is 'less than substantial', this harm should be weighed against the public benefits of the proposal. I consider later the benefits of this development and the overall planning balance.

General need for and supply of pitches

28. Although the appellant refers to national and regional shortages of Gypsy and Traveller sites, it seems to me that local provision is the key consideration. The *Planning Policy for Traveller Sites* (PPTS) advises at paragraph 28 that 'If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply'.
29. Paragraph 11d) states:
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*
30. The Council's Gypsy and Traveller and Travelling Showperson Accommodation Assessment (GTAA) was published in September 2020. Work on a replacement GTAA is underway, but the Council currently relies on the 2020 document.
31. The GTAA takes account of the 'planning definition' of Gypsies and Travellers in the 2015 version of the PPTS that applied at the time, which is more restrictive than the definition in the 2024 version of the PPTS. It is common ground that the 'planning definition' figures are no longer relevant in light of subsequent court rulings and changes to the PPTS. However, the GTAA also produced figures for the wider 'cultural' need, which was said to accord with the overall needs of the travelling community.
32. The GTAA considers need over the periods 2020/21 to 2024/25, 2025/26 to 2029/30 and 2030/31 to 2035/36. It identifies a total cultural need of 51 pitches in the period 2020/21 to 2035/36. When potential sources of additional pitches were taken into account, a residual need of 35 pitches was calculated. The Council now relies on this figure. The appellant regards it as a minimum, and considers that actual need under the current Gypsy and Traveller definition is likely to be higher.

33. Local Plan Policy SP.14 is concerned with Gypsy and Traveller site provision. It lists sites shown on the proposals map and sets out an assessment of need, based on the GTAA. Policy SP.14 focuses primarily on the 2015 definition in terms of meeting local need, and is consequently out of date in its approach.
34. Irrespective of the precise level of need, it is now common ground, in light of recent appeal decisions at Curslow Lane, Shenstone², that the Council is currently unable to demonstrate a 5-year supply of deliverable sites. The Council's position at the hearing was that, taking account of the single pitch allowed in the most recent appeal, there was now a shortfall of 8 pitches.
35. The appellant's position was that the true figure was likely to be higher. In particular, the appellant pointed to the revised Gypsy and Traveller definition in the 2024 PPTS, which post-dates the GTAA. I agree that this does broaden out the definition (compared to the 'cultural' definition in the GTAA), by the inclusion of 'all other persons with a cultural tradition of nomadism or of living in a caravan'. Thus, I also regard the figure of 8 as a minimum. However, I have no alternative higher figure for the shortfall. Overall, therefore, from the information before me, it appears that there is a shortfall of not less than 8 pitches.
36. There was discussion at the hearing as to when the current shortfall would be addressed. The Council relies largely on the 16 pitches intended for the Zortech Avenue site (Policy SA.K17), a site which the Council has been in the process of selling. I cannot be certain as to whether or when that site will come forward. Sites must be deliverable if they are to make up part of the five-year supply. Deliverability is defined at footnote 4 of the PPTS, which indicates that sites should be 'available now'.
37. The Council advised that the site was being sold with the intention of it being developed for Gypsy/Traveller pitches, with a requirement that planning permission for 16 pitches will be obtained within 2 years. While I do not have firm documentary evidence of that and cannot be certain the Council will achieve its aims, it appears that there are at least good prospects of the site coming forward in a reasonable period of time. If so, regardless of whether it would meet the needs of the appellants personally, the site would contribute to the overall supply of pitches within the district. Nevertheless, as things stand, it is not part of the current supply of available sites.
38. The Council advises that the January 2025 caravan count identified 3 vacant pitches on allocated sites but that does not alter the agreed position that there is currently a shortfall in supply overall.

Personal circumstances and need

39. The site is occupied by the appellants only. I understand that they live there permanently and that it is the only home available to them. It is common ground that the appellants are Gypsies falling within the definition within the PPTS. Although they have previously lived in bricks and mortar accommodation, it appears that that was due to the particular medical needs of a family member at that time, and that they have an aversion to such accommodation in general.

² APP/R1845/C/21/3287457/8 & APP/R1845/C/23/3320687/8

40. I have been provided with medical evidence showing that one of the appellants suffers from some medical conditions and has been prescribed a range of medications and treatments. That evidence is not disputed and suggests a particular need for continued access to medical services.
41. At the hearing I asked what would happen to the appellants if the notice were upheld. I was told that there are no permanent sites available to them and they would consequently be forced into a roadside existence. I cannot be sure of that, but I have to regard it as a distinct possibility, given the wider shortfall of Traveller pitches within the district. It is said that a roadside existence would be particularly difficult and damaging given the health issues raised. I accept that, not least because of the prospect of access to medical treatment being disrupted due to not having a fixed address.
42. I understand that a grandchild comes to the site each day to be looked after and taken to school while his mother is at work. Another grandchild visits regularly.
43. In principle, no planning consideration is more important than the best interests of a child. In this instance, however, while these arrangements are no doubt beneficial to the wider family, the children have their own home and do not live on the site. Overall, I am not persuaded that education or wellbeing of the children would be unduly compromised by the notice being upheld, and attach only limited weight to this consideration.
44. Nevertheless, the personal circumstances and health issues as a whole are compelling and the appellants' need for the development weigh very significantly in favour of a grant of planning permission.

Other considerations

45. The Council has referred to policies designed to steer development away from open countryside, including local plan policy SP.2, and Paragraph 26 of the PPTS, but such general policies add little to the approach to be taken in this Green Belt case. Policy SP.11 is concerned with addressing specific rural housing needs and is not relevant to the issues in this case.
46. I have been referred to a number of appeal decisions, in addition to the ones highlighted above, but none would lead me to any different decision. The appellant refers to two appeal decisions where the permission was granted despite harm to heritage assets. However, those appeals were decided on the facts of the cases, and do not show where the planning balance lies in this case.
47. The Council refers me to appeals at Drakelow Lane and Shatterford Lane Wolverley and Priorslee Road, Shifnal, Shropshire³. The general approach taken by the Inspectors in those cases are consistent with my findings regarding Green Belt impact in this case. As with the appeals at Cursley Lane, Mustow Green⁴, there is a residential element to the use in this case and the site is in the Green Belt, but the facts of that case were different and the decision was taken against a different policy background. The proposal for 3 dwellings at Wolverley Road, Wolverley⁵ was a very different development and of little relevance.

³ APP/R1845/C/22/3299706 & APP/R1845/W/23/3323726 & APP/L3245/W/23/3334142

⁴ APP/R1845/C/17/3175891 & APP/R1845/C/17/3176026

⁵ APP/R1845/W/22/3298447

Human Rights and the Public Sector Equality Duty (PSED)

48. I have no doubt of the important implications of the notice for the occupiers of the site. Loss of their home would represent a serious interference with their right to respect for their private and family lives and homes in accordance with Article 8 of the European Convention on Human Rights, as set out in Schedule 1 of the Human Rights Act 1998. However, that is a qualified right. While the notice would result in people losing their current home, that must be weighed against the public interest of ensuring the proper planning of the locality. I return to this later in the planning balance.
49. I have also had due regard to the aims set out in the PSED of eliminating discrimination, victimisation or harassment against persons with protected characteristics, advancing equality of opportunity for those persons and fostering good relations between them and others. Protected characteristics in this context include race and disability/impairment.

Planning balance

50. This is inappropriate development in the Green Belt and therefore harmful by definition⁶. There is also an element of harm to the openness of the Green Belt and encroachment into the countryside. I attach substantial weight to the harm to the Green Belt. The Framework states that inappropriate development should not be approved except in very special circumstances. These circumstances will not exist unless the development's harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
51. Furthermore, there is harm to the character and appearance of the locality, the conservation area and the setting of the Grade II* listed parish church. I have identified factors that limit the extent of the harm in this instance. Nevertheless, I attach considerable importance and weight to that harm. There is conflict with a number of relevant local policies and I conclude that there is conflict with the development plan as a whole.
52. On the other hand, this development meets the accommodation needs of a household comprised of the two appellants. That is particularly important in this case, because the Council is unable to demonstrate a 5-year supply of pitches for Gypsy and Traveller accommodation. Policy SP.14 is based on an out of date approach to need. The importance of having a 5-year supply is clear from national policy.
53. The need for a pitch at this site is also substantially reinforced by the personal and health needs of the appellants. The loss of their home would clearly have a very significant, harmful impact on them. Indeed, it could lead to a roadside existence, for a temporary period at least, and could have harmful health outcomes.
54. Looking at the case as a whole, I am not persuaded that the matters raised in support of the development would clearly outweigh the harm to the Green Belt and other harm arising from a permanent planning permission. Consequently, very special circumstances do not exist and, in accordance with local and national

⁶ Framework Para 153

policy, including Paragraph 11(d)(i) of the Framework, planning permission should not be granted.

55. However, while it would still be inappropriate development in the Green Belt, the overall level of harm would be reduced in the case of a temporary planning permission. A temporary permission would meet the appellants' immediate needs but would retain the prospect of the harm arising from the development being addressed in the future. In my judgement, the harm arising from a temporary planning permission could, subject to appropriate conditions, be clearly outweighed by the considerations set out above.
56. The question of a temporary planning permission was discussed at the hearing. Notwithstanding the SoCG, the appellant's preference was for a 5-year period, while the Council favoured 3 years. In my judgement, 3 years is an appropriate period, since it appears to me that there is a significant prospect of the Council addressing the current shortfall of traveller sites within that period, including from the Zortech site. While I cannot be sure of that, any future decision relating to this site will be able to take account of the supply situation at that time. A longer period is not desirable, given the harm arising from the development and, on the evidence before me, is not justified.
57. I conclude that the reduced harm arising from a temporary, 3-year planning permission is clearly outweighed by the other considerations outlined above. Consequently, very special circumstances exist and the granting of temporary planning permission on this Green Belt site is justified, notwithstanding the conflict with the development plan. For the same reasons, the adverse impacts of a temporary permission do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, as described in Paragraph 11d) of the Framework.
58. In my judgement, the temporary permission I shall grant represents a proportionate response, which balances the qualified rights under Article 8 against the legitimate planning aims of the Council, and would not result in any violation of the rights of the individuals concerned. For the same reasons, it is consistent with the aims of the PSED.

Conclusion

59. For the reasons given above, Appeal A succeeds on ground (a). I shall grant planning permission for the development as described in the notice as corrected. The enforcement notice will be corrected and quashed. In these circumstances the appeals on ground (g) do not fall to be considered.

Conditions

60. The permission is limited to a period of 3 years for the reasons already given. It is limited to the appellants because it is justified in part on the basis of their specific needs. Since the appellants are named, a further condition restricting occupancy to Gypsies and Travellers only is not necessary. Condition 2 requires the use to cease and the site to be restored when the permission expires, in order to minimise the harm arising from the development.
61. The number and type of caravan on the site, commercial activities and the use of large commercial vehicles are restricted to protect the character of the area. I have

required a site management scheme requiring details of the site layout, drainage, landscaping, landscape maintenance, boundary treatment and lighting to ensure that those matters are addressed in the interests of the proper planning of the site, its appearance and biodiversity, and to ensure compliance with aspects of local plan policy DM.5, which is concerned with site standards for Gypsy and Traveller sites. This condition combines several items proposed by the parties in separate conditions.

Peter Willows

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Angus Murdoch BA MSC PhD MA
MRTPI

Nichola Burley Dip Cons Arch, MRTPI, Heritage Vision Ltd
IHBC

Rhodri Crandon

TDA

Henry Smith

Appellant

Diane Smith

Appellant

Ruby Schofield

Relative

Shaun Schofield

Relative

FOR THE LOCAL PLANNING AUTHORITY:

Helen Hawkes

Planning Manager

Richard Jennings

Principal Planning Team Leader

Sam Hawkins

Planning Enforcement Officer

Robert Wall

Planning Officer

Jamie Richards

Conservation Officer

DOCUMENTS SUBMITTED AT THE HEARING

1. Appeal Decision APP/R1845/C/23/3320687 & APP/R1845/C/23/3320688
2. Statement of Common Ground
3. Suggested Conditions
4. Email dated 25 March 2025 from Nichola Burley to the Planning Inspectorate

CONDITIONS

- 1) The site shall be occupied only by Henry Smith and Diane Smith and their resident dependants, and shall be for a limited period of 3 years from the date of this decision, or the period during which the site is occupied by them, whichever is the shorter.
- 2) When the site ceases to be occupied by those named in condition 1 or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.
- 3) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 4) No more than 1 caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed on the land at any time.
- 5) No caravan falling within the definition of a twin unit caravan set out in the Caravan Sites Act 1968 as amended shall be stationed on the land at any time.
- 6) No commercial activities shall take place on the land, including the storage of materials.
- 7) The use hereby permitted shall cease, the hardcore pad shall be removed and all equipment and materials brought onto the land in connection with the 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) Within 3 months of the date of this decision a scheme for the following (hereinafter 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:
 - the internal layout of the site, including the siting of the caravan, hardstanding, access road, parking and amenity area
 - details of foul and surface water drainage
 - a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development
 - Details of how the landscaping is to be maintained
 - Details of boundary treatment, which shall include the removal of the existing close-boarded fencing at the site entrance
 - Details of any external lighting
 - ii) If within 9 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 and retained in accordance with the approved details for the life of the development.

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.