



Appeal Decision

Site visit made on 24 April 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th June 2025

Appeal Ref: APP/H2265/W/24/3349987

Kooland, Rochester Road, Burham, Rochester, Kent ME1 3SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ashley Dunn against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is TM/23/03168.
 - The development proposed is the change of use of land to use as a residential caravan site for one Gypsy family with two caravans, including no more than one static caravan/mobile home together with laying of hardstanding and erection of ancillary amenity building.
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Decision

1. The appeal is dismissed insofar as it related to the erection of ancillary amenity building. The appeal is allowed insofar as it related to the change of use of land to use as a residential caravan site for one Gypsy family with two caravans, including no more than one static caravan/mobile home together with laying of hardstanding at Kooland, Rochester Road, Burham, Rochester, Kent ME1 3SN, in accordance with the terms of the application, Ref TM/23/03168, and the Site Location Plan and the Site Layout Plan, so far as relevant to that part of the development hereby permitted and subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant and his family have moved onto the appeal site and have established a pitch. The use of the appeal land as a residential caravan site for one Gypsy family has therefore commenced. However, I saw on my site visit that the layout of the development appeared to differ from that shown on the submitted Site Layout Plan in respect of the static caravan's stationing and the area of land covered by hardstanding.
3. Accordingly, I have assessed the effects of the appeal development based on the proposal as set out in the submitted planning application and the drawings accompanying it, as opposed to what I observed at my visit. The Council also based its decision on the submitted drawings following consultation with interested parties. Therefore, whilst acknowledging that the appeal use has commenced, I will continue to refer to the appeal scheme as a 'proposal' in this decision.
4. The appellant describes the appeal site address as 'Kooland', whereas the Council uses the name 'The Paddock'. However, there is no dispute as to the appeal site's location. As it is the appellant's land and his appeal, I have used 'Kooland' in the banner heading above.

5. The Government published the revised National Planning Policy Framework (“the Framework”) and the updated Planning Policy for Traveller Sites (PPTS), in December 2024, after the appeal was submitted. In the interests of fairness both main parties have been given the opportunity to comment on the revised documents and any made have been taken into account in my decision.
6. All designated Areas of Outstanding Natural Beauty in England became National Landscapes in November 2023. I have therefore referred to the Kent Downs as a National Landscape (“the KDNL”) in this decision.

Main Issues

7. The main issues in this appeal are the effect of the proposed development on the character and appearance of the area, with particular regard to the landscape and scenic beauty of the KDNL, and whether the appeal proposal is intentional unauthorised development.

Reasons

Policy context

8. Policy CP1 of the Tonbridge and Malling Borough Council Core Strategy, 2007 (“the CS”), requires development to achieve a high quality sustainable environment and, if a need exists, for appropriate provision to be made for gypsies and travellers, and balanced against the protection and enhancement of the natural environment. CS Policy CP7 sets out that development detrimental to the KDNL will not be permitted other than in exceptional circumstances, including development essential to local social and economic needs.
9. CS policy CP20 sets criteria for the development of new sites for gypsies, travellers and travelling showpeople. CS Policy CP24 expects development to be of a high quality that respects the site and its surroundings. Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document, 2010 (“the DPD”) expects development to protect, conserve and where possible enhance local character and distinctiveness, including the landscape.

Character and appearance

10. The appeal site is located within the KDNL and specifically the Medway Valley Landscape Character Area as defined in the Kent Downs Landscape Character Assessment (KDLCA). Framework Paragraph 189 requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to those issues. Whilst development in the KDNL is not explicitly prohibited by the Council’s development plan, the PPTS or the Framework, the latter is clear that the scale and extent of development within the National Landscapes should be limited.
11. Based on the evidence before me, the key features that characterise the Medway Valley are the dramatic landform of the valley with its domination of arable fields on the lower slopes, and valley sides becoming steeper towards the tops with exposed scarps. The area provides scenic views across the valley, which is a largely rural landscape with a sparse settlement pattern.

12. The baseline position for the appeal site is that it was predominantly an open grassland field used as a horse paddock. It is occupied by a modest timber stable building in a dark recessive colour that is set on slightly lower ground close to the adjacent woodland. Characterised by a general absence of development and tranquillity, the appeal site would have positively complemented the pastoral rural fieldscape of the lower valley slopes at the base of the exposed Kent Downs escarpment.
13. The appeal site is almost entirely screened in elevated panoramic views from Bluebell Hill Picnic Site by the presence of nearby dense woodland. However, it is clearly visible in the same vista as the exposed scarp in public views from Rochester Rd and the adjacent Bridleway that extends along the appeal site's eastern boundary. The exposed scarp is set high up on the steep valley sides and is a key component of the KDNL designation and its dramatic valley landform.
14. In those views, the eye is drawn towards the scarp and the steeply sloped valley sides in a wide panorama that takes in the arable fields on the lower slopes, including the appeal site in part of the foreground. Whilst a relatively small part of the landscape, the baseline condition of the appeal site is nonetheless characteristic of the fieldscape of its lower slopes, and it contributes positively to the landscape and scenic beauty of the KDNL.
15. The proposed development would inevitably change the site from a rural grassland paddock with its discreet rural stable block, to a small residential caravan site with urbanising elements including a mobile home, touring caravan, amenity building and hardsurfacing. Residential paraphernalia, including parked vehicles, children's play equipment, refuse and recycling bins would be expected to accumulate on the appeal site, and some artificial lighting would likely be needed. The appeal use would be expected to increase activity at the appeal site.
16. Together, those urbanising elements of the proposed development would be incongruous and strident within the landscape and would erode the appeal site's general openness, verdancy and sense of tranquillity in views from the road and the adjacent Bridleway. The Bridleway is part of an extensive network of public rights of way that extend across the valley. Users of the Bridleway would likely be experiencing the designated landscape of the KDNL for its scenic beauty, and therefore would be particularly sensitive receptors to visual change.
17. The landscape and visual effects of the appeal proposal would be more than localised when seen in those views. Despite the backdrop of woodland, its urbanising effect on the appeal site would visibly intrude into the foreground of long-distance views towards the dramatic and exposed escarpment of the KDNL, and across the arable dominated fields of the lower slopes. Those views comprise the key features that characterise the Medway Valley Landscape Character Area, and the degree of visual intrusion would harmfully erode the landscape and scenic beauty of the KDNL.
18. The landscape management recommendations in the KDLCA include curbing urban expansion, ensuring development is appropriate to its setting, replacing lost hedgerows, and integrating development into the landscape using woodland and planting. The planting scheme indicated on the drawings could soften the appearance of the proposed development resulting in a modest enhancement in public views, as recognised in the PPTS Policy H. However, it would likely take

several years to become fully established. Moreover, given the proposed development's proximity to the Bridleway, together with the open character of the appeal site and the landscape, it would still appear visually strident in the landscape, even with the softening effect of planting.

19. There is no evidence to indicate that the proposal's contrived alignment of hedgerows would, in accordance with the KDNL management guidelines, reinstate those which have been lost. In any case I am not aware of any mechanism that could protect the planting from either being thinned out, pruned in height or removed. Therefore, even with the planting, the proposed development would still cause visual harm to the landscape of the KDNL.
20. Details of the development of some 950 homes on land outside of the KDNL at Bull Lane, Eccles, are not before me. I am therefore not aware of its effect on the KDNL and can make no meaningful comparison between it and the appeal proposal. As such, it is of limited relevance and weight to my considerations of the appeal proposal.
21. Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA) places a duty on me to seek to further the statutory purposes of the KDNL as a Protected Landscape. Given the harm identified, the appeal proposal, including the proposed planting, would not contribute positively to the purposes of the KDNL.
22. Taking all the above into account, I conclude that the proposed development would have a significantly harmful impact on the landscape and scenic beauty of the KDNL. Therefore, it would conflict with CS Policies CP1, CP7, CP20, CP24 and DPD Policy SQ1, insofar as they seek to ensure that development is of a high quality, conserves and where possible enhances local character and distinctiveness, including the natural beauty of the KDNL. For the same reasons the appeal proposal would be contrary to Framework Paragraph 135, insofar as it requires that decisions should ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting.
23. CS Policies CP1, CP7 and CP20, require the need for development, including that which is essential to local social and economic needs, to be balanced against the requirement to protect and enhance the natural environment. This would include the proposal's adverse effect on the KDNL. I will therefore return to this matter in the planning balance.

Whether intentional unauthorised development

24. The Government introduced a policy in 2015 to make intentional unauthorised development a material consideration that should be weighed in the determination of planning applications and appeals. The retrospective nature of the appeal use as intentional unauthorised development (IUD) has prevented a proper ecological assessment of the appeal site.
25. Given its proximity to nearby trees, the Council refers to the potential for protected species to be present on the appeal site. It is concerned that there has been no opportunity to secure ecology surveys of the site or to mitigate any harm to ecology that may have been caused. However, it did not refuse planning permission on those grounds.

26. The appeal land is not subject to any statutory biodiversity protections and the appeal drawings show there would be no encroachment into the adjacent woodland. There is limited evidence to indicate that any trees have been removed in the carrying out of the development or that protected species inhabiting trees have been harmed. Whilst the proposed development would concentrate activity around the existing stable block, that part of the site would likely have experienced human activity and disturbance prior to the appeal development when used as a horse paddock. In these circumstances the nature and extent of the IUD, and the way it was likely carried out, would attract only limited weight against it.

Other Considerations

The need for and supply of gypsy and traveller sites

27. The Council's Gypsy and Traveller Accommodation Assessment dated 2022, indicates a net shortfall of 41 pitches over the plan period from 2021/22 to 2039/40. This amounts to a significant unmet need for pitches and the Council is unable to demonstrate an up to date 5 year supply of deliverable sites suitable for gypsies and travellers. Whilst work is progressing on a new Local Plan, which will seek to address the supply of pitches to meet unmet need, the need for pitches exists now and has persisted for a number of years. These factors indicate a failure of Council policy to meet the need for pitches as expected by the PPTS and this must carry significant weight in favour of the proposed development.

Personal circumstances and alternative sites

28. The proposed development would accommodate a single gypsy family of two adults and two children. The appellant has lived and worked within the area of the appeal site for some 20 years and his family claims a strong connection to the area, with numerous family members nearby providing support. One of the appellant's children is of school age and attends primary school in Eccles, where additional funding has recently been secured at the school to meet the child's needs. The evidence indicates that the family benefits from good access to health care with GP surgeries in the nearest settlements, and that the appellant's youngest child requires regular Doctors visits.
29. There is limited substantive evidence of the appellant having searched for alternative sites before moving onto the appeal site. However, there appears to be no dispute between the parties that pitches on the existing sites run by the County Council are not available and that demand for pitches in the area is high. The evidence suggests that authorised sites in the local area are mostly of a small scale and occupied by family groups, such that they are rarely available.
30. An extensive area of the Tonbridge and Malling Borough is subject to the planning constraints of the Green Belt (approx. 80-90%) and the KDNL at around 27%. Furthermore, CS Policy CP20 sets a presumption against gypsy and traveller sites in the Green Belt. However, in my view neither the PPTS or the Framework set an explicit presumption against such development either within the Green Belt or National Landscapes. They require the effects of a development on the Green Belt or a National Landscape to be assessed and weighed in the balance on a case-by-case basis.
31. Therefore, I do not accept the inference that it is inevitable that all applications for gypsy and traveller pitches in the Green Belt will be refused because of the

presumption in CS Policy CP20, or that a site in the KDNL is preferable to a Green Belt site as a matter of principle. Based on the above figures, most of the land within the Council's area is not within a National Landscape.

32. Nonetheless, there is no evidence that the Council, or any other party, can identify a suitable and available alternative site for the appellant and their family to move onto. The appellant states that he and his family have no alternative site to live on. Dismissing the appeal would therefore result in the realistic possibility that they would have to leave their home and live in their touring caravan on the roadside, or within overcrowded accommodation with family.
33. In that scenario the loss of the family home would represent a significant level of interference with the family's rights under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998 (HRA). Article 1 is the right to a person's peaceful enjoyment of possessions including property. Article 8 is the right to respect for family and private life, home and correspondence. It requires a child's best interests to be a primary consideration and caselaw has held that no other consideration is inherently more important.
34. I have also had regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which includes having due regard to the need to eliminate unlawful discrimination and to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not, and to foster good relations between them. For the purposes of the PSED, gypsies share a protected characteristic. The unmet need for pitches and lack of alternative sites points to an inequality of opportunity for gypsies to access 'housing' in the form of pitches that are compatible with their traditional way of life.
35. In the absence of alternative sites, continuing living at the appeal site is in the best interests of the child. Compared to an existence camping by the roadside or living in overcrowded conditions with family, the appeal site provides a settled base making it far easier to continue regularly accessing healthcare and education in the nearest settlements. A less stable and secure environment would be expected to have negative effects on the family's well-being, particularly those of the child.
36. Taking all the above into account, the personal circumstances of the appellant and his family, including the best interests of the child, when taken with the lack of alternative sites weighs significantly in favour of the appeal development.

Other Matters

37. CS Policy CP20 states that accommodation for gypsies and travellers will be permitted if all the requirements of the Policy are met. The Council considers the Policy to be out-of-date. As it appears to refer to superseded documents in the form of the South East Plan and Circular 01/06, and sets an explicit presumption against gypsy and traveller sites in Green Belt, I find no basis to disagree with that assessment. Nonetheless, it remains development plan policy, and a large proportion of its criteria are broadly consistent with the PPTS and Framework.
38. The appeal proposal would be contrary to criterion b) of CS Policy CP20, owing to its visual intrusion as described above. However, the scale of the development would not dominate the settled community and in this regard the proposal would be consistent with PPTS Policy C.

39. The Council finds the appeal site to be reasonably accessible to shops, schools and other community facilities by walking, cycling and public transport. Bus stops in Burham appear to be a short walk away. Having visited the appeal site and the closest settlements, I find no basis to disagree with that assessment. The appeal site can be adequately accessed by motorised vehicles, cycles and by pedestrians. For these reasons, and in having regard to the appellant's evidence, including the Shawbury Heath appeal¹, I find that the appeal site would not be 'away' from those existing settlements in the terms expressed by PPTS Policy H.
40. In those respects, the appeal proposal would be consistent with Policy CP20. However, aside from 'need' which is addressed above, an absence of harm in respect of the criteria of CS Policy CP20, (with the exception of criterion b) is broadly neutral and does not weigh in favour or against the proposed development.
41. An Inspector found that developments in Hampton-in-Arden², performed reasonably well against the criteria-based Policy P6 of the Solihull Local Plan, affording it substantial weight. However, the weight to be afforded to compliance or conflict with policy is a matter of judgement. As those other appeals appeared to turn on case specific factors and policies, they are of limited relevance and weight to my considerations in this appeal.
42. The appeal site lies within the Impact Risk Zone for the Wouldham to Detling Escarpment Site of Special Scientific Interest. Natural England, the Government's adviser for the natural environment, raised no objection to the development and there is no substantive evidence from any party to justify departing from its advice.
43. The Council did not find the proposed development to be harmful to the living conditions of nearby occupiers or to highway safety. I find no reason to disagree with that assessment given the distances of separation between the mobile home and the nearest residential properties, and the combination between the relatively modest scale of the proposed development, together with the commensurately low levels of activity and vehicle trips that it would likely generate.
44. Wear to the surface of the vehicle access, which appears shared with other properties, would be a matter for the landowner and I am not aware of any harms arising from this. There is no substantive evidence to support assertions that underlying archaeology would be adversely affected such that an investigation is needed, or that military ordnance found on sites in the area poses an unacceptable risk to safety. An absence of harm in those respects would be neutral.

Planning Balance

45. The unmet need for gypsy and traveller sites in the Council's area has persisted for a number of years. No suitable and available alternative sites for the appellant and their family to move on to have been identified. The Council's strategy for addressing the needs of gypsies and travellers has yet to progress fully through the local plan, leading to uncertainty over future provision.
46. Together the personal circumstances of the appellant and his family, including the primary consideration of the best interests of the child, when taken with the unmet

¹ APP/L3245/A/14/2215836

² APP/Q4625/C/13/2209742 and APP/Q4625/C/13/2209777

need and lack of alternative sites, attracts weight of a high order in favour of the proposed development. Securing a gain in biodiversity adds some modest weight in its favour. Occupation and construction of the development, which includes previously developed land, delivers some very modest economic benefits to the area, including the appellant family spending money in the local area.

47. However, the proposed development's significantly harmful impact on the landscape and scenic beauty of the KDNL, as a protected landscape, carries great weight against the development. The nature and extent of IUD adds additional limited weight against the proposal.
48. Weighed in the balance, the benefits of the proposed development do not outweigh the appeal proposal's environmental harm to the landscape and scenic beauty of the KDNL, together with the IUD. In this instance the magnitude of the harm to the KDNL as a protected landscape is a determinative factor in my decision.
49. Consequently, I do not regard the proposal as essential to meet local and social economic needs in the terms expressed in CS Policy CP7, and I therefore find conflict with that Policy. The protection and enhancement of the natural environment outweighs the provision of the proposed pitch, bringing the proposal into conflict with CS Policy CP1. For these reasons the appeal development conflicts with CS Policies CP1, CP7, CP20, CP24 and DPD Policy SQ1, and the development plan as a whole.
50. The Council is unable to demonstrate a 5 year supply of sites and therefore Paragraph 11 of the Framework is relevant. The great weight that I attach to the harm to the landscape and scenic beauty of the KDNL, which is a determinative factor, outweighs all other considerations and benefits. It therefore amounts to a strong reason for refusing the proposed development under Paragraph 11.d)i. of the Framework. Accordingly, the so called 'tilted balance' in Paragraph 11.d)ii development does not apply.
51. In this instance and based on the circumstances of this case, I find that the appeal proposal's harmful effects are determinative and unacceptable. The potential consequences of this conclusion in terms of interfering with the Article 1 and Article 8 rights of the appellant and his family under the HRA, and not advancing equality of opportunity under the PSED, would be proportionate, including with reference to the best interests of the child.
52. It is necessary to consider whether imposing a condition to limit a planning permission for the proposed development to a temporary period would be appropriate in the circumstances. Particularly, whether this could achieve the protection of the public interest by means that are less interfering of the rights of the appellant and their family.
53. Except for the amenity building, which is partly a bricks and mortar building that has not been built, the proposed development would be readily reversible and remediable. The appellant has lived on the appeal site for some time without an amenity building and I have no basis to find it essential to their occupation.
54. The Planning Practice Guidance (PPG) states that a time limited planning permission is only likely to be appropriate in certain circumstances, including

where it is expected that the planning circumstances will have changed in a particular way by the end of the temporary period.

55. The Council's evidence indicates that the new Local Plan seeks to address the unmet need for gypsy and traveller sites and that a Regulation 19 consultation of the Local Plan was scheduled for December 2024. The nature of a public consultation process means that some uncertainty about the final content and timing of the emerging new Local Plan will remain. However, given its current stage of preparation there is at least a realistic prospect of the emerging Local Plan being brought forward for adoption over the next few years or so.
56. In that context, a temporary planning permission would allow the appellant and his family to remain on the appeal site for its duration. It would also give the Council time to assess the relative benefits and disbenefits of alternative sites to meet the unmet need for pitches through the emerging Local Plan, and potentially determine planning applications on those sites. It would also provide the appellant with time to make any necessary arrangements in response to the progression of the emerging Local Plan and its final content.
57. Moreover, a temporary planning permission for the proposed development would significantly reduce the magnitude of its harmful effects on the KDNL, by limiting its duration and preventing lasting permanent harm. It would alter the balance between the proposal's harms and benefits. In that scenario the proposal's temporary and reversible harm to the landscape and scenic beauty of the KDNL would be outweighed by its benefits. As such, it would not be a determinative factor.
58. Compared to a refusal of planning permission, the grant of a temporary planning permission would not provide the long-term stability that the appellant and his family are seeking. However, enabling them to remain on the site temporarily would be in their best interests as a family. In this instance and in the circumstances of this case, it would be a proportionate response that lessens the interference with their HRA Article 1 and Article 8 rights, and the conflict with the PSED, including best interests of the child, whilst securing the long-term protection of the landscape and scenic beauty of the KDNL, and thus protecting the public interest with regard to my duty under the LURA.

Conditions

59. I have considered the Council's suggested conditions in accordance with the tests for imposing conditions set out in the Framework and the PPG. Where necessary I have amended their wording to ensure compliance with the tests.
60. Use of the appeal land has commenced and therefore the standard time limit condition for commencement is unnecessary. However, for the reasons given in my preliminary matters, I have incorporated the approved plans into the grant of planning permission in paragraph 1 above to control the development to that assessed and permitted. The materials shown on those plans obviate the need for a separate condition. Given the circumstances of the case and the outcome of the planning balance it is necessary to impose a time limiting condition and a condition making the permission personal to the appellant and his family.
61. Together, conditions 3, 4, 5 and 6 are necessary to control the development to that assessed, and to prevent negative effects on the surrounding area, including to its

character and appearance, and those which could arise from large vehicles on the site and commercial activities.

62. The appeal site is relatively exposed in public views, particularly from the adjacent bridleway. This provides clear justification for removing permitted development rights to control the erection of gates, walls or fences or other means of enclosure, in order to protect the character and appearance of the area. However, removing such rights from land not within the appeal site boundary would not meet the Framework's test of relating to the development permitted.
63. Condition 7 is necessary to ensure satisfactory development of the site and its future restoration in the interests of protecting the character and appearance of the area, preventing negative effects on the surrounding area from flooding, pollution, lighting and construction works, and securing biodiversity enhancement. Hours of construction would necessarily be part of the scheme's construction management plan. I have amalgamated the restoration of the site into this condition and have included a timetable for implementation.
64. Planting could be part of enhancing biodiversity. However, it would be unreasonable and unnecessary to require a planting scheme to soften the appearance of the development as it would take time to establish and be likely to have a limited effect at the end of the temporary planning permission.
65. I am not satisfied on the evidence before me that bonfires are intrinsic to the scale, nature or location of the appeal development. As such, preventing bonfires by condition would not relate to the development and would be unnecessary and unreasonable. The need or otherwise for a site licence is a matter for other legislation.

Conclusion

66. For the above reasons, I conclude that allowing the appeal and granting a temporary planning permission, excluding the amenity building which would be refused permission, would reduce the development's harm to the KDNL, by limiting its duration and preventing lasting harm. The harms over that period would be outweighed by the benefits including the personal circumstances of the appellant and his family, the unmet need for pitches and the lack of alternative sites. These are material considerations of sufficient weight to outweigh the development's harms and the conflict with the development plan over that temporary period. The appeal therefore succeeds in the terms set out above.

G Sylvester

INSPECTOR

Schedule of conditions

- 1) The use hereby permitted shall be carried on only by Mr Ashley Dunn and Mrs Natalie Dunn, 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, structures, equipment and materials in connection with the use shall be removed and the land restored to its condition before the development took place in accordance with the site development scheme in condition 7.
- 3) 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 the site at any time.
- 4) The caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended shall be sited in accordance with the Site Layout Plan.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site and no commercial activities shall take place on the land, including the storage of materials.
- 6) Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates, walls or fences or other means of enclosure including bunding, shall be erected on the site.
- 7) 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) Within 3 months of the date of this decision a site development scheme for a) the means of foul and surface water drainage of the site; b) facilities for the storage and collection of refuse and waste; c) details of secure and covered cycle storage; d) details of any external lighting; e) details of a Construction and Environmental Management Plan, and Landscape and Ecological Management Plan detailing how this development will deliver biodiversity enhancements, and f) details of the restoration of the site to its condition before the development took place, (or as otherwise agreed in writing by the local planning authority) at the end of the period for which planning permission is granted for the use, or the site is occupied by those permitted to do so, as appropriate 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 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 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.

End of Schedule