



Appeal Decision

Inquiry held on 20-23 May and 16 June 2025

Site visit made on 19 and 22 May 2025

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2025

Appeal Ref: APP/W0340/W/24/3356688

Land south of Sandhill, Hermitage, Thatcham, Berkshire RG18 9XU

- 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 R Black against the decision of West Berkshire Council.
 - The application reference is 23/00815/FUL.
 - The development proposed is 'Change of use of land for the formation of 5 Gypsy/Traveller pitches comprising of 1 mobile home, 1 touring caravan, and 1 utility building per pitch'.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land for the formation of 5 Gypsy/Traveller pitches comprising of 1 mobile home, 1 touring caravan, and 1 utility building per pitch at Land south of Sandhill, Hermitage, Thatcham, RG18 9XU, in accordance with the terms of the application, Ref: 23/00815/FUL, subject to the conditions set out in the attached schedule.

Applications for Costs

2. Applications for awards of costs were made by Mr R Black against West Berkshire Council and by West Berkshire Council against Mr R Black. These applications are the subject of separate Decisions.

Preliminary Matters

3. Both the appellant and Council sought to submit new Landscape and Visual Impact Assessments (LVIA) with their proofs of evidence contrary to guidance prepared by the Planning Inspectorate. The appellant tried to submit an LVIA again at the opening of the Inquiry despite my earlier ruling. New evidence may be accepted if it is relevant but only if it is fair to do so. A balance must be struck. In this instance, there was insufficient justification to permit the submission of these new technical reports as late evidence. This is because they could have been submitted in accordance with the timetable, did not relate to a change in circumstances and acceptance of them would have resulted in inefficiency and delay. A fuller explanation of this ruling was set out in an email sent on the 28 April 2025.
4. Conversely, I did admit some late evidence before the Inquiry opened¹ and again at the Inquiry. The latter is listed at the end of this decision. This information was accepted because it was relevant, reasonably brief and capable of being addressed without lengthy adjournments. As such, no prejudice occurred.

¹ From the appellant this included an update on the site occupants' personal circumstances (Core Document (CD) 5.1), a drainage strategy (CD9.19) and a Highways Technical Note (CD5.2)

5. Mr Petrow submitted a plan to illustrate what he had described in his oral evidence. The plan indicates how the site could be landscaped and is not a formal amendment to the scheme. The Council were afforded an opportunity to comment on this plan in writing and at the round table session on the 16 June 2025.
6. The National Planning Policy Framework (the 'Framework') and the Planning Policy for Traveller Sites (PPTS) were revised after the Council made its decision. The Council and appellant were given the opportunity to comment on these changes. Similarly, the Council adopted a new Local Plan² (LP) on the 10 June 2025. The parties had anticipated this in their submissions, and when giving evidence, and therefore the policies in the LP have been comprehensively covered.
7. During my site visit I observed that development has commenced, and the appeal site occupied. Nearly all the appeal site has been hard surfaced and configured differently to what is shown on the submitted drawings. Nevertheless, I have considered the appeal scheme based on what is shown on the submitted drawings and not what has occurred. Therefore, within this decision I have often referred to the impact the appeal scheme would have. An enforcement notice has been issued and appealed. This will be the subject of a separate decision.
8. In considering this appeal I have applied the enhanced duty in section 85 of the Countryside and Rights of Way Act 2000 (CROW Act) as amended by section 245 of the Levelling-up and Regeneration Act 2023 (LURA) to *seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty*. Areas of Outstanding Natural Beauty are now referred to as 'National Landscapes' in the Framework.

Main Issues

9. Two of the Council's three reasons for refusal are concerned with inadequate information relating to drainage and highway safety, namely visibility at the site access and the absence of a pavement. Upon reviewing the additional evidence submitted by the appellant, the Council are now satisfied that an adequate visibility splay and a connecting pavement can be provided. The implications of doing so on the landscape is something I will return to. Likewise, the Council are now also satisfied that an adequate drainage scheme can be designed based around infiltration. I have no substantive reason to reach a different view on these points, especially as the additional information was reviewed by the Lead Local Flood Authority and the Local Highway Authority.
10. As such, the main issues in this appeal flow residual areas of concern raised by the Council and the other considerations advanced by the appellant and are:
 - The effect of the proposed development on the character and appearance of the area, especially the North Wessex Downs National Landscape (NL);
 - The weight to be attached to intentional unauthorised development (IUD); and
 - Whether in a planning balance any harmful effects arising from the proposal would be outweighed by other considerations.

² The West Berkshire Local Plan Review 2023 to 2041

Reasons

The effect of the proposal on the character and appearance of the area

Landscape Baseline

11. The appeal site is in National Character Area 129 – Thames Basin Heath but this is a high-level assessment. At a more local level the appeal site is part of Area 8 - Lowland Mosaic as defined in the North Wessex Downs Integrated Landscape Character Assessment of 2002. Area 8 has been divided into sub areas. The appeal site is located within Area 8a – Hermitage Wooded Common.
12. Key characteristics of Area 8a include large blocks of woodland linked by a strong hedgerow pattern and mature trees. Irregular fields were sometimes cut from the woodland (assarted) in the medieval and post medieval periods. Together, this gives a small scale and intricate character with settlements linked by intricate narrow lanes. Overall, this is a coherent landscape with an intact rural character. That said, it is well populated and therefore its 'ruralness' is diluted in parts by roads and development, including the M4 motorway. Key issues for the area include the loss of hedgerows and mature trees and development pressure. The latter is mainly in the form of suburbanisation. Key management aims include the conservation and enhancement of key assets including woodland, pasture, field patterns and hedgerows. Hedgerow restoration is also identified as an opportunity to enhance the landscape.
13. The West Berkshire Landscape Character Assessment 2019 builds on the above. It places the appeal site in Landscape Character Area WH4 – Cold Ash Woodland and Heathland Mosaic. The boundaries of Area WH4 are similar to Area 8a. Key characteristics are likewise identified as including a complex pattern of land cover, dominated by woodland with remnant heaths, a varied field pattern with strong hedgerows, areas of relatively dense settlement with woodland containment and areas of quiet, intimate and secluded character. Detractors include changing land use patterns, loss of hedgerows, the impact of the M4, increased suburbanisation, loss of gradation between settlements and the countryside and increased traffic. The landscape strategy includes strengthening existing boundary elements and conserving features that mark a transition from settlement to countryside, rights of way and the special qualities of the North Wessex Downs National Landscape.
14. In respect of the latter, the North Wessex Downs AONB Management Plan 2019-2024 (as reviewed) outlines the special qualities and natural beauty of the NL. This includes the Lowland Mosaic which curves around Newbury and has a mix of ancient semi-natural woodlands, plantations, remnant heathland and more open farmland areas where sunken lanes heighten the sense of seclusion. Key issues include the need to conserve and enhance the small-scale, secluded and rural character of the lowland mosaic and manage development pressure.
15. The appeal site encompasses a small, linear and narrow field sandwiched between the B4009 and a former sunken railway line that is now a public footpath called the Eling Way. To the immediate east of the Eling Way is a belt of landscaping and beyond this Hermitage Village Hall and playground. On the western side of the B4009, and opposite the appeal site, is a small ill-defined paddock surrounded by arable fields and sporadic development along Manor Lane, which includes large industrial type agricultural buildings close to the M4. To the south is housing, including the estate at Pinewood Crescent, and to the north another house and the

M4 with a bridge over the B4009. As such, the site has an edge of settlement character where Hermitage tails off into the more open countryside beyond the M4.

16. Prior to development commencing, I understand that the appeal site was undeveloped and comprised grass and scrub that regenerated after pigs were kept on the land. The current boundary of the field was probably formed following the construction of the railway line. There is no evidence before me that it is part of an intact historic field scape or it was created following assarting. There is nothing to suggest the site is associated with any important people or events or that it includes archaeology. The nearest ancient woodland is located some distance to the south.
17. That said, the boundaries of the site are marked by hedging and mature trees. This provides a verdant, intimate setting to the Ealing Way and a pleasant hedged 'gateway' into Hermitage. The boundary hedging and mature trees are a key characteristic and special quality of the NL. The open pasture character of the appeal site would also have been a positive feature, as it would have formed part of the landscape mosaic and aided a graduated transition from the settlement to the countryside. This graduation should not be overstated though due to the presence of the M4, with the bridge marking an abrupt change from the settlement edge character to a more deeply rural and open countryside.
18. Overall, and before development took place, the appeal site had some scenic and natural heritage value. The latter is evidenced by the preliminary ecological assessment. It also provided a setting for the Eling Way as a recreational resource and functions as a transition zone where the built form tails off. The mature hedgerows contribute to local distinctiveness. Alternatively, the appeal site and its immediate context is not part of an especially intact or rare landscape save for the Furze Hill woodland to the east. Indeed, there are some detractors nearby. It is also of limited cultural value. Its edge of settlement location reduces the sense of tranquillity. Thus, as undeveloped the appeal site was a positive feature that contributed to the landscape character of the area. However, the immediately surrounding landscape is of mixed value despite being in the NL due to its edge of settlement character, including modern housing and the presence of the M4.

The effects of the proposal

19. The appeal scheme would not amount to major development in the NL on account of its modest scale, but it would nevertheless notably impact the site as grassland would be replaced by hard standing and utility buildings. Caravans and other vehicles would be sited or parked on the land alongside residential paraphernalia. Living on site would result in comings and goings and general activity. The rural pastoral character of the site would therefore be compromised. The western boundary hedge would also be truncated to facilitate the site access, associated visibility splays and a pavement extension. The loss of pasture and hedging in lieu of development would suburbanise the site, degrade features that currently contribute to the special qualities of the NL and erode the graduated transition from settlement to countryside identified in the landscape character assessments.
20. As part of my duty to seek to further the purposes of conserving and enhancing the natural beauty of the NL, discussions were held during the Inquiry as to what mitigation could be delivered to lessen the extent of the impact outlined in the

preceding paragraph. I also permitted the appellant to submit an illustrative landscaping plan detailing what Mr Petrow outlined in his oral evidence³.

21. This plan indicates that both the eastern and western boundary hedgerows could be significantly strengthened with new planting. A scrubby woodland buffer could also be provided to the former to protect the trees with preservation orders. This approach would adhere to Policy DM15 of the LP. In addition, internal native hedgerows, incorporating trees, could be planted between and around the pitches and these would be allowed to thicken in time. Evergreen species such as holly could be mixed in. Indeed, the internal hedge around the pitches could be predominantly beech to provide screening through the winter months as the leaves are retained longer than most deciduous plants. As a result, there would be a net enhancement of the hedgerows on site as a feature of the NL. This is something promoted in the Hermitage Design Guide⁴ and required by Code 1 therein.
22. The laying of hardstanding would inherently alter the character of the appeal site as a pastoral field and cannot be fully mitigated. That said, the extent of hardstanding would be kept to a minimum leaving space for areas of species rich grassland and buffers with the site boundaries. This would notably soften what could otherwise be a hard and strident appearance to the appeal site. The species rich grassland and buffers could be subtly fenced and subject to a landscape and ecological management plan to prevent them being used as gardens. The site is very close to a recreation ground so children would have somewhere else to play.
23. In respect of hard landscaping, the acoustic fences would be softened by planting and stained a dark recessive colour. If gates are needed into the individual pitches, then five bar field gates could be used. Again, and if required, post and rail fencing could delineate the pitches and could also be stained and softened by planting. There would be no need for any close boarded fencing (I understand that erected would be removed). Crushed stone would be used instead of tarmac along the entrance drive and within the pitches. Resin bound gravel or setts could be used at the site entrance to prevent stones entering the highway. The access drive would be set in from the western boundary to provide space for extra planting and instant hedges planted to the north and south of the site entrance⁵ to provide compensation for the sections of existing hedgerow that would be lost. This would all respect the rural character of the site and soften the impact of the scheme.
24. The above mitigation measures would, if successful, result in a landscape led development with the pitches set amongst generous levels of planting and in from the site boundaries. This would restore a graduated transition from the settlement into the countryside and reinforce the boundary hedges. The species rich grassland would partially moderate the loss of the small pasture field. As such, the impact on landscape character would not be of a high order given the edge of settlement context, which includes the motorway and a housing estate. That said, the extent of the impact depends on how successful the mitigation would be.
25. In this respect, the Council is concerned about the space available for planting, shading and soil conditions. Nevertheless, the existing hard core can be reconfigured, and the ground rehabilitated with new soil to achieve the correct planting conditions. Mr Petrow is an experienced landscape architect and was

³ Inquiry Document (ID) 14

⁴ Figure 18 for example

⁵ As described in Paragraph 51 of Mr Cottle's closing submissions

confident in this respect. Moreover, a condition can be imposed to secure details of site preparation for the planting.

26. The existing mature trees around the site boundary would provide shading but during my site visit, in the late afternoon, I observed the appeal site bathed in sunlight. Indeed, its open southern aspect probably ensures all parts of the site receive sunlight at points during the day. I also observed that dense scrub and hedge planting appeared to be thriving atop the eastern side of the Eling Way cutting despite the close tree canopy. Some planting would be on the north side of the acoustic fences but planting close to fencing is not uncommon.
27. With regards to space for the new planting, it has not been demonstrated on Mr Petrow's concept plan that the accesses into each pitch would be wide enough. Indeed, the tracking plan suggests they may need to be wider than indicated. That said, even with wider accesses there would still be lengthy unbroken hedges given the distance between access points. The Council are unconcerned by some hard landscaping within the root protection areas of mature trees subject to an arboricultural method statement. Consequently, there is scope to amend the internal layout to provide space for hedging either side of the internal access road. As such, there is space for a robust and comprehensive landscaping scheme.
28. In respect of the settlement pattern, the proposal would be a form of ribbon development, but it would be enclosed by existing housing and to a lesser extent the M4 and village hall. Hermitage also has a linear character which the proposal would not offend. The generous level of planting and spacious layout would allow a transition from the settlement edge into open countryside allowing the proposal to adhere to Code 3 in the Hermitage Design Guide. The mobile homes would also be orientated the same way with space between them to provide a neat appearance. As such, the proposal would respect the pattern of development.
29. In respect of visual impacts, there is no dispute between the Council and appellant that the appeal site has a localised visual envelope. The occupants of neighbouring properties would be able to see the development, but these are private views softened by planting and buffers. There is a view of the site from the bridge over the M4 to the west of the appeal site, but it is a glimpsed, filtered and distant view. The receptor would have to be actively looking for the caravans rather than them being casually apparent. Moreover, their attention would be on the immediate context of large agricultural buildings.
30. Users of the Eling Way would be traveling slowly, probably for recreation, and would be more aware of their surroundings. As such, they would be sensitive receptors. As things currently stand, there is paraphernalia close to the eastern site boundary that is visible. However, with a layout similar to that shown on Mr Petrow's concept plan, the pitches would be inset behind a woodland buffer edge on land that is higher than the path. In addition, the views are filtered by planting and users of the footpath would either be walking from a housing estate or the M4 bridge and therefore experiencing the landscape as a settlement edge.
31. To achieve visibility splays and space for a pavement, the existing trees to the south of the access would need to be felled as would the hedge to the north up to the second ash tree. The plans show the second ash tree retained and I have considered the appeal on that basis. The widened site access would expose the development. It would be visible from the B4009 but as there is no pavement along

this apparently busy road most of the receptors would be in a car and therefore travelling at speed. Any views would be fleeting on account of the roadside hedge and the pitches being perpendicular to the road. The acoustic fences would also provide some screening and reduce the impact of the white mobile homes. Figure 23 of the Hermitage Design Guide identifies an important view looking west from the B4009 but not east towards the appeal site.

32. That said, there would be views from the junction with Manor Lane, in the vicinity of Viewpoint 1 identified by Ms Allen. However, the provision of an instant hedge, supplemented by tree planting behind and a second hedgerow along the pitch boundaries, would result in some immediate in-depth filtering of the view that would become more effective over time. This would notably soften the impact. The proposal would also be seen as a background feature behind housing and a suburbanising roundabout in the foreground.
33. During my site visit I was unable to see the appeal scheme from the recreation ground or village hall due to the extent and depth of intervening landscaping. However, I acknowledge that this was in the spring when the landscaping was at its thickest. Photographs supplied by the Council suggest it is possible to see the scheme in the winter months from the vicinity of the play area next to the village hall. However, these are unlikely to be strident views due to the distance and intervening landscaping between the appeal site and the playground.
34. The scheme's effects on the visual amenity of the area would be more pronounced in the winter, but the effect would be experienced in the context of other existing development on the settlement edge also being more apparent. That said, even in the winter months the new planting would still filter views and anchor the development if allowed to thicken. The proposal would not be strident.
35. Overall, beyond the immediate context of the site there would be little impact on either landscape character or visual amenity on account of the scheme's small scale. This strongly illustrates the localised and contained nature of the impact. The initial impact of the appeal scheme on the site and its immediate context would be moderate adverse but this would progressively decrease. By year 15 the impact would be limited adverse on account of the mitigation. This chimes with the assessment of Officers in the committee report, who identified only a modest level of harm to the landscape character and visual amenity of the area.

Overall conclusions

36. Policy DM20 of the LP is concerned with Gypsy and Traveller development and seeks to secure scheme's that are landscape led and in accordance with Policies SP7 and SP8. Policy SP7 seeks to secure development that strengthens the sense of place through high quality locally distinctive design which responds positively to local design guidance. Policy SP8 also seeks to secure landscape led development which conserves or enhances local distinctiveness and landscape character with reference to valued features and qualities, the sensitivity of the area and the existing settlement form, pattern and character.
37. When considering a Gypsy and Traveller scheme against these policies it must be borne in mind that Policy DM1 exceptionally permits Gypsy and Traveller sites in the countryside as a matter of principle and Policy DM20 seeks to locate them where they would be well related to existing settlements. This would inevitably have some adverse impact on the receiving landscape and thus landscape

character. Therefore, some suburbanising effect on the edges of settlements is to be anticipated in the same way a rural exception scheme or barn conversion would have some adverse suburbanising effect – both being types of development permitted in the countryside by Policy DM1. Indeed, a Gypsy and Traveller pitch will need to include caravans, vehicles and hard standing. Policy DM20 would be unworkable if Policies SP7 and SP8 are interpreted as preventing any form of suburbanisation of the countryside occurring from traveller pitches.

38. In this context, the appeal scheme would be landscape led because it would strengthen valued landscaped features (the perimeter hedging), provide internal hedging to add depth and incorporate species rich grassland/meadows and a woodland buffer. Moreover, the proposal would be sited on the settlement edge where the contextual landscape is of mixed quality despite the NL designation given the presence of detractors such as the motorway. It is therefore of lesser value and sensitivity and therefore has more capacity for limited change. The proposal would provide a gradation from settlement to countryside on account of the generous levels of landscaping and the space provided between pitches. As such, it would respond positively to aspects of the West Berkshire Landscape Character Assessment and the AONB Management Plan. In essence, the effects of the proposal with a comprehensive landscaping scheme would not go beyond the inherent impacts of placing traveller pitches in the countryside. It would also adhere to relevant sections of the Hermitage Design Guide and thus Policy HER2 of the Neighbourhood Plan.
39. The proposal was not accompanied by an appropriate landscape assessment. Indeed, the appellant confirmed this in writing before the Inquiry opened by stating that the assessment by Draffin Associates was incorrect and should be disregarded. However, the information before me has allowed an informed assessment of the potential landscape effects to be made. Although this is mainly because I was able to hear from landscape experts at the Inquiry. Therefore, in this instance the absence of an appropriate landscape assessment has not resulted in an overall conflict with relevant policy.
40. Considering the above, I am not entirely convinced the proposal would be in conflict with Policies SP7 and SP8 taken as a whole and by extension Policy DM20 of the LP. However, I note the apparent common ground between landscape witnesses that there would be a conflict with these policies because the proposal would not conserve the NL and therefore the local distinctiveness and landscape character of the district. I have therefore adopted this position.
41. Indeed, Policy SP2 of the LP is concerned with development in the NL and states that the conservation and enhancement of the natural beauty of the landscape will be the primary consideration in the assessment of all development proposals. This adds an additional layer of protection to land covered by this designation. It is perfectly logical that planning permission should be harder to achieve in the NL than outside it. In this respect, the proposal would have a limited adverse impact on the NL and therefore fail to conserve or enhance it. Accordingly, there would also be a conflict with Policy SP2. By failing to conserve or enhance the NL the proposal would also be at odds with Paragraph 189 of the Framework and s85 of the CROW Act as amended by s245 of the LURA.

Intentional Unauthorised Development

42. The occupation of the appeal site has taken place without planning permission despite the appellant and site occupants being aware this would have been required. As a result, intentional unauthorised development (IUD) has occurred, and this is a material consideration in my assessment given the provisions of a Written Ministerial Statement (WMS)⁶.
43. The WMS explains that the Government is concerned about the *harm* that is caused where the development of land has been undertaken in advance of obtaining planning permission. I have emphasised the word 'harm' because I do not consider the WMS is meant to be punitive. Indeed, the planning system does not prevent an individual undertaking works and then applying retrospectively. Nevertheless, harm can occur if development is undertaken without controls. Moreover, local planning authorities will often need to expend time and expense addressing such a breach through enforcement action.
44. The appellant submits that the current site occupants had nowhere else to go and therefore needed to move onto the site and that this should be a mitigating factor when considering the weight to give IUD. However, it would be double counting to reduce the weight to IUD for this reason and then also add a lack of alternatives as a positive factor later in my considerations.
45. The IUD has resulted in an extensive area of hard standing being laid. Physical damage to the land has therefore occurred. That said, the hard standing is compacted hard core so it could be removed, and the pasture re-established. There has also been a short-term impact on the NL which has been quite stark. The site is also a little unkempt at present. However, this can be largely addressed by adhering to a site development scheme. Moreover, the appellant has not been able to undertake works to the site due to the injunction.
46. The Council instigated enforcement action, which included seeking an injunction. This has no doubt been both time consuming and costly to the Council, but it was not a point they advanced as a factor effecting the weight to be attached to IUD in this instance. Presumably because the occupants appear to have adhered to the injunction and ceased works when instructed to. However, the IUD, which could have been undertaken more sympathetically and with greater empathy for local concerns, has clearly effected community cohesion.
47. In its written evidence the Council has not elevated the weight given to IUD on account of the site occupants using an unsafe access. Again, this is presumably because there is no evidence of accidents, and this matter can be resolved quickly through the imposition of a condition. Nor has the Council raised concerns about land contamination as this is a green field site and therefore the risk is low. The existing noise impacts from the motorway on the living conditions of the site occupants can also be mitigated.
48. Hard standing has been laid in the root protection areas of protected trees without mitigation measures such as tree protection fencing. However, evidence is not before me that this caused any damage. The Council has not raised concerns because the hardstanding will be removed, and any further works would be subject to an arboricultural method statement. Nor has the Council indicated that it is

⁶ Green Belt Protection and Intentional Unauthorised Development 2015

concerned that the IUD has had an adverse impact on biodiversity. Again, conditions would be imposed relating to mitigation and enhancement measures. The Council has taken quite a benevolent approach in concluding that these are neutral matters, but I have no reason to take a different view.

49. Instead, the Council altered its position during the inquiry from giving limited to significant weight to IUD after hearing the evidence of interested parties. Indeed, oral evidence was presented that the neighbouring occupants had been subject to visits from debt collectors and delivery drivers, often at unsocial hours. They have also had power cuts and seen their insurance quotes increase. From what I heard it sounds as if the neighbours have been through a difficult time and I sympathise with them. However, substantive evidence is not before me that in any way links the current site occupants with the troubles experienced by the neighbours. In any event, such problems are best addressed through other legislation and are not inherent in the use of land being applied for. Indeed, when recommending approval to the planning committee, Officers stated that fear of crime in this instance was not even a material consideration.
50. I also heard that there has apparently been noise and light pollution from the appeal site since it was occupied. I was advised that this can aggravate the health of a child with a long-standing condition. It is in their best interests⁷ to ensure such effects are prevented. The site occupants disputed the suggestion that noise and light pollution has occurred. I do not have sufficient evidence to reach a finding either way, but conditions are recommended to ensure commercial activity does not take place at the appeal site and to control lighting. I was advised by the neighbour that the child's health condition would not be aggravated with these measures in place. Considering the foregoing, it is difficult to understand why the Council elevated the weight it gave IUD. Therefore, I have adopted the Council's original position of affording this matter limited weight against the proposal.

Other Considerations

The need and supply of sites

51. Paragraph 28 of the PPTS states that the provisions of Paragraph 11(d) of the Framework apply if the Council is unable to demonstrate a five-year supply of pitches. This is a binary requirement set without any detailed guidance as to how a five-year supply should be calculated.
52. That said, in basic terms it is necessary to identify the relevant five-year period and then the pitch target and deliverable supply for that period. This is because Paragraph 10 of the PPTS explains that local planning authorities should identify and update annually, a supply of specific sites sufficient to provide five years' worth of sites against their locally set target.
53. The locally set target must be 'set' by the local planning authority, perhaps in the development plan or by a Council committee. The reference in Paragraph 10 to 'update annually' is to my mind a reference to an annual rolling assessment of supply to cover the next five years. I share the view of the Council that this does not require need to be assessed annually. However, the older the target is the greater the risk that it is out of date and thus unable to function as a useful basis for calculating the five-year supply.

⁷ When applying Article 3(1) of The United Nations Convention on the Rights of the Child and the Public Sector Equality Duty

54. The Council submit that the five-year period should be 2021 to 2026 because this is the period used by the authors of the Gypsy and Traveller Accommodation Assessment (GTAA) to assess the likely short-term need for pitches. However, the purpose of demonstrating a five-year supply is to provide an indication of whether there are sufficient sites available to meet the accommodation needs of the traveller community over the next five years. In this respect there is synergy with the approach for bricks and mortar housing. There would be little benefit to the traveller community if, in calculating the deliverable supply in 2025, I considered a period that started in 2021 and finished next year. I therefore favour the appellant's proposition that the five-year period should be from the 1 April 2024 as a measure of how many pitches will be available for those that need them now or will do soon. The GTAA looks at need beyond 2026, so a rolling assessment is possible.
55. Furthermore, the GTAA does not set the local target for pitches, it is instead the evidence base that informs the local planning authority in this task. The target in this case is set out in the LP, which has a base date of 2023 (see Paragraphs 11.28 and 11.30 of the LP). This adds further weight to the inappropriateness of using 2021 as the base date for assessing a five-year supply of pitches now.
56. Paragraph 9 of the PPTS explains that local planning authorities (LPAs) should set pitch targets for Gypsies and Travellers which address the likely permanent accommodation needs in their area. The use of the word 'likely' means there is no need for precision. Unlike bricks and mortar housing there is no standard methodology for establishing need. This is because need can fluctuate for many reasons. Accordingly, need is usually identified through evidence in a bespoke assessment such as a GTAA. In this instance, the most up to date GTAA is from 2021 and has been used to set a target of 20 pitches between 1 April 2023 and 31 March 2038 in the LP. The figure was reviewed by Inspectors during the examination of the LP and is currently a sound basis on which to consider need for the purposes of calculating the five-year supply.
57. As things currently stand the Council and appellant agree that if the base date for assessing the five-year supply is taken as either 1 April 2023 to align with the LP or 1 April 2024 (or 1 April 2025) to align with a rolling annual update, which I consider to be necessary, the Council is unable to demonstrate a five-year supply due to a modest shortfall. As such, Paragraph 11d of the Framework is relevant.
58. This finding differs to that of another Inspector⁸, and I appreciate that consistency is an important component of decision making. However, the adoption of the LP is a material change in circumstances that fixed the locally set target at 20 pitches between 1 April 2023 and 31 March 2038. I have also based my deliberations on the evidence I heard including how the five-year supply should be calculated. The Council also referred to another appeal⁹, but this was issued in 2023 and therefore closer to the base date in the GTAA. Moreover, the Inspector found a five-year supply of pitches for those that met the PPTS definition at the time. A modest shortfall of pitches for 'cultural' need was identified.
59. In any event, the Council and appellant also agreed at the inquiry that even if the Council were able to demonstrate a five-year supply, the locally set target is a minimum and therefore unmet need may be present in addition to this. In fact, the

⁸ APP/W0340/C/24/3351139 and APP/W0340/W/24/3346878

⁹ APP/W0340/W/22/3292211

Council acknowledge that need is likely to be higher than outlined in the current GTAA¹⁰. This was also a finding reached by another Inspector¹¹.

60. Indeed, the waiting list for the Four Houses Corner site is oversubscribed. I share the view of the appellant that it is likely the list only includes Gypsies and Travellers that need a pitch. It is also unclear why the Council have delayed interviewing the decanted occupants of the Four Houses Corner site for six years. Need may have gone up in the interim. As such, there is a risk that the Four Houses Corner site will be overpopulated when it re opens. The timetable for delivering the Four Houses Corner site is also unclear given the delays to date¹² and the outstanding details reserved by planning conditions that are yet to be approved.
61. To this end, the Council intends to begin another GTAA soon as part of a periodic review required by the Housing Act to understand the extent of unmet need. However, as things stand, there are no allocations in the pipeline to address unmet need because the Council decided not to complete a site allocation development plan document. As such, allocations would need to be identified through the new local plan, a timetable for which is yet to be published but could amount to years. Furthermore, a recent call for sites yielded only one potential site which has subsequently been granted planning permission. In the interim, the Council will need to rely on windfall sites such as that proposed to address unmet need.
62. Accordingly, the Council is currently unable to demonstrate a five-year supply of pitches. Even if it could, there is a recognition that there is probably an immediate unmet need in the area, although the extent of this is unclear until a new GTAA has been prepared. Allocations to address this unmet need will not come forward for some time. In the circumstances, the provision of five pitches is a matter that carries significant positive weight as it would be a relatively sizable contribution to the supply and the Council's ability to meet its pitch target and unmet need.

Alternatives

63. The mismatch between need and supply is further evidenced by the submissions of the current site occupants that there is no alternative accommodation available for Gypsies and Travellers in the area. Indeed, there is nothing before me to suggest there is space at Council owned sites, that there are unoccupied pitches elsewhere or that allocations are likely to come forward soon. I also understand that some approved pitches have been subject to personal permissions. As such, they are not, and will not be, generally available. Bricks and mortar housing is not an option and nor should the Council rely on sites in Hampshire to meet general need in West Berkshire. In any event, I understand that the number of approved pitches at the site referred to near Winchester are strictly controlled due to the proximity of habitat sites.
64. It is also important to note that there is sub regional need. Consequently, there are waiting lists and competition for pitches. I also heard that land is expensive in the area making it difficult to speculate on windfall pitches. This all adds to the risk of unauthorised encampments with the occupants living on the fringes of society. Accordingly, matters are very bleak for travellers in the area that are without a home but are seeking one. The absence of alternatives carries significant weight.

¹⁰ Paragraphs 36 and 75 of the Council's closing submissions

¹¹ APP/W0340/W/22/3292939 – see Paragraphs 47 and 50

¹² The Council advised a previous inspector it would be open in March 2023

Other policy in the PPTS

65. Paragraph 13 of the PPTS states that traveller sites should be sustainable economically, socially and environmentally. In so doing, the PPTS seeks to facilitate the traditional way of life of travellers by providing settled bases. Without a settled base it is difficult to meet the practical realities of modern living. Addressing this is an important part of achieving the social sustainability sought by Paragraph 13 of the PPTS and needs to be considered in the context of the Public Sector Equalities Duty. Indeed, the unmet need and lack of alternatives indicates that there is currently an inequality in housing opportunity for the traveller community relative to the settled. Dismissing the appeal would perpetuate this. Providing pitches at the appeal site would reduce the risk of unauthorised encampments. These general points weigh in favour of the appeal scheme.
66. The provision of a settled base would also facilitate peaceful co-existence with the local community because the residents of the pitches could become positively involved in village life. In this way integration and community cohesion could gradually take place over time through incidental communication. The local settled community may also become more welcoming as they see the occupants improve the condition of the site through a comprehensive planting scheme. The site is particularly well placed to aid integration being close to local facilities, especially the village hall and the primary school. In addition, the pitches would provide a stable base from which future occupants could access health and education. The site is also close to the M4 and A34 junction and would therefore facilitate easy access to the national road network and thus facilitate a nomadic habit of life for those travellers that live in this way.
67. In addition, for reasons already set out, the appeal site would provide reasonable living conditions for future occupants with reference to noise and land contamination and the site is not at risk of flooding. As a result, the local environmental quality would be suitable and this would benefit the occupant's health and wellbeing, especially when compared to not having a settled base. The site would also be well landscaped as promoted by the PPTS and would not be away from, or dominate, the settlement. The wider sustainability benefits of providing five pitches at this location weigh moderately in favour of the proposal.

Other matters

68. Various concerns have been raised by interested parties and many have been addressed above or can be resolved through the imposition of conditions. There are nevertheless some residual concerns. Firstly, there are reservations the proposal would negatively affect local property values. However, no evidence has been submitted to suggest the effect would be so great and widespread as to be a matter of public interest. Concerns have been expressed about local air quality, but this is not something the Council's Environmental Health Officer has mentioned and nor has substantive evidence to this effect been submitted. A precedent would not be set by this proposal because my findings are based on the specifics of this case including its location and the prevailing circumstances at the time.

Planning Balance

69. The appeal scheme would be at odds with Policies SP2, SP7, SP8 and DM20 of the LP for the reasons already given. Thus, a conflict with the development plan

taken as a whole would occur. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise.

70. The PPTS and Paragraph 11d(i) of the Framework state that in circumstances where a five-year supply of pitches cannot be demonstrated, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Paragraph 189 of the Framework is a policy that protects NLs and states that great weight should be given to conserving and enhancing landscape and scenic beauty in these areas.
71. The Courts¹³ have confirmed that Paragraph 189 is a policy that requires the harm to the NL to be balanced against the advantages of the scheme. The harm to the NL is to be given 'great weight'. However, if, for example, the harm is trivial then the great weight to be attached could more easily be outweighed by the advantages of a particular development¹⁴.
72. Overall, despite significant mitigation and hedge planting, the proposal would not conserve or enhance the NL because a field would be urbanised to the detriment of natural beauty. As such, the proposal would not further the purposes of the NL. Harm at any level to a NL is an important matter given their national significance. Especially so given the enhanced statutory duty and because they have the highest status of protection in relation to these issues within national planning policy. That said, the level of harm in this instance would be limited whereas the benefits currently carry collective weight of a high order. I am also mindful that around 74% of the Council's area is NL, so it is challenging to identify sites that would not be covered by this designation. In this instance, the site is next to a settlement and in a part of the NL that includes detractors such as the motorway. It is sequentially well placed in this respect to support the limited development proposed.
73. Consequently, the advantages of the proposal outweigh the 'great weight' I afford the limited harm. As such, the application of the relevant policies in the Framework do not provide a strong reason for refusing the proposal. Nor would the collective adverse impacts of the proposal, including IUD, significantly and demonstrably outweigh the benefits. This is a material consideration that indicates the proposal should be determined otherwise than in accordance with the development plan.

Conditions

74. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council and appellant. The proposed development has commenced and therefore it is unnecessary to impose a condition requiring commencement within a certain period. In the interests of certainty, it is necessary to secure development of the day rooms in accordance with the submitted plans.
75. In the interests of minimising the impact on the character and appearance of the area, to seek to further the purposes of the NL, promote sustainable transport and protect living conditions and highway safety, it is necessary to require the submission and approval of a site development scheme. This will include details of the layout of the site including a comprehensive hard and soft landscaping plan and its protection, bin storage, foul and surface water drainage, visibility splays and the

¹³ Monkhill Ltd v SSHCLG [2021]

¹⁴ R (Morris) v Wealden District Council [2014] EWHC 4081 (Admin)

design of the site access, a connecting pavement, electric vehicle charging and lighting. Separate similar conditions are necessary to ensure the protection and enhancement of biodiversity and mitigation of land contamination.

76. To ensure enforceability, these conditions are drafted to ensure all development ceases and is removed if the terms of the conditions are not adhered to. To also protect the character and appearance of the area it is necessary to remove permitted development rights to erect fences, walls and gates.
77. It is necessary in the interests of safeguarding the character and appearance of the area and living conditions to restrict the number of caravans, prevent commercial activity, control external lighting and require an arboricultural method statement. To safeguard the living conditions of future occupants it is necessary to secure noise mitigation measures and to prevent the touring caravans being used as sleeping accommodation unless it has first been demonstrated that they meet the relevant specifications.

Conclusion

78. The proposed development would not adhere to the development plan but material considerations, namely the PPTS and Framework, indicate that the appeal should be determined other than in accordance with the development plan. Consequently, the appeal has been allowed.

Graham Chamberlain
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Stephen Cottle, Counsel for the appellant
instructed by Brian Wood of WSP Planning and Architecture

Called:

Robert Petrow,	Petrow Harley Landscape Architects
Brian Woods BA MRTPI	WSP Planning and Architecture
John Black	on behalf of the appellant
Sarah Ayres	on behalf of the appellant
Andrew Stevens	on behalf of the appellant
Edward Wall	on behalf of the appellant
Michael Wall	on behalf of the appellant

FOR THE LOCAL PLANNING AUTHORITY:

Noemi Byrd, Counsel for the Local Planning Authority
Instructed by the Solicitor to West Berkshire Council

Called:

Christopher Carr MTCP CMILT	for the Local Highway Authority
Liz Allen CMLI	Landscape Architect
Cheryl Willet BSc MSc MRTPI	Senior Planning Officer (Policy)
Alice Attwood BSc MSc MRTPI	Senior Planning Officer

INTERESTED PERSONS

Ruth Cottingham	Hermitage Parish Council
Dr and Mrs Olowe	Local Residents
Martin Powers	Hermitage Group of Residents

INQUIRY DOCUMENTS

The flowing is a list of documents submitted at the Inquiry

ID1	Stephen Cottle's opening
ID2	Noemi Byrd's opening
ID3	Ruth Cottingham's submissions
ID4	Mrs Olowe's submissions
ID5	Mr Powers submissions (draft spoken to)
ID6	Update on suggested conditions
ID7	Visibility splays
ID8	Letter from a doctor regarding a site occupant's health
ID9	Landscape assessment for Land north of Station Road, Hermitage
ID10	Local Validation List extract
ID11	Legal authorities from Mr Cottle
ID12	Appellant's submissions for second round table session on 16/06/25 in response to my questions
ID13	Extract from Housing Act
ID14	Indicative landscaping Plan by Mr Petrow
ID15	Further update to suggested conditions
ID16	Council's note for the second round table session on 16/06/25 in response to my questions
ID17	Comments from the Council on ID14
ID18	Appellant's application for costs

ID19	Council's response to the appellant's application for costs
ID20	Council's application for costs
ID21	Carousel Park appeal decision and enforcement notice
ID22	Appellants email response to ID17
ID23	Closing submissions from Noemi Byrd with legal authorities
ID24	Closing submissions from Stephen Cottle and response to Council's application for costs

SCHEDULE OF CONDITIONS

Condition 1

Subject to Condition 2, the development hereby permitted shall be carried out in accordance with the following approved plans listed below:

- Site Location Plan drawing number J004472-DD-01
- Proposed Floor Plans and Elevations drawing number J004472-DD-06 PP
- Proposed Block Plan drawing number J004472-DD-04-A-PP (only in so far as it relates to the day rooms and site access)

Condition 2

The use hereby permitted shall cease and all caravans, vehicles, structures, equipment, and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 56 days of the date of failure to meet any one of the requirements set out in (a) to (d) below:

- a) Within 3 months of the date of this permission a scheme (hereafter referred to as the Site Development Scheme) shall be submitted for the written approval of the local planning authority detailing:
- i. The internal layout of the site, including details of the vehicle parking, the position of mobile homes, turning space/areas, electric vehicle charging points and cycle parking/storage space;
 - ii. The site access including visibility splays;
 - iii. A 1.5 metre wide footway to be constructed southwards from the site access to connect with the existing pavement;
 - iv. Hard landscaping, to include details of any boundary treatments and gates to each pitch and hard surfaced areas throughout the site.
 - v. The colour finish of the acoustic barriers.
 - vi. Soft landscaping. This shall include, but not be limited to, woodland buffer zones of not less than 5 metres to the southern, eastern and northern boundaries of the site, additional hedge and tree planting along the western boundary, hedge and tree planting around the pitches, an instant hedge and tree planting to the north and south of the site access and species rich grass/meadow planting between and around pitches.
 - vii. The method of site remediation and soil preparation prior to planting, plans showing the location, planting density and stock size of the new planting, a schedule of works including timings, planting methodologies, protection and aftercare, measures to prevent the meadows and buffers being encroached into by the site occupants (other than for maintenance) and any other necessary supporting information;
 - viii. A lighting design strategy for the site. The strategy shall:
 - include measures to prevent light spill into neighbouring properties and minimise it beyond the site boundaries;
 - identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places,
 - ix. A scheme for protecting the occupants of the development from noise from the M4 Motorway which shall be in accordance with the recommendations of Noise Impact Assessment report 1510.NIA.00;
 - x. A scheme of surface water drainage for the site and its maintenance which shall incorporate sustainable drainage principles
 - xi. A foul drainage system for the site and its maintenance
 - xii. An area(s) for the storage and collection of refuse and recyclables
- b) If within 12 months of the date of this decision the local planning authority refuse to approve the Site Development 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.
- c) If an appeal is made in pursuance of (b) above, that appeal shall have been finally determined and the submitted Site Development Scheme shall have been approved by the Secretary of State.
- d) The Site Development Scheme shall be implemented in full in accordance with the approved details no later than 6 months from its written approval.

Upon implementation of the approved Site Development Scheme specified in this condition, that scheme shall thereafter be maintained. Notwithstanding the Town and County Planning (General Permitted Development (England) Order 2015 (as amended) no lighting, hardstanding, fences, walls and gates or means of enclosure other than those forming part of the approved scheme shall be constructed, installed or erected on the site.

Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

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.

Condition 3

The use hereby permitted shall cease and all caravans, vehicles, structures, equipment, and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 56 days of the date of failure to meet any one of the requirements set out below

- a) Within 3 months of the date of this decision a written land contamination assessment (“LCA desktop study”) shall have been submitted for the approval of the local planning authority. The LCA desktop study shall:
- i. Identify and evaluate possible on and off-site sources, pathways and receptors of contamination and enable the presentation of all plausible pollutant linkages in a preliminary conceptual site model
 - ii. Include all necessary regulatory consultations
 - iii. Be prepared in accordance with the Environment Agency’s Model Procedures for the Management of Contaminated Land (CLR 11) and British Standard BS 10175.
 - iv. Identify any further investigations or risk assessments in a report

If the LCA desktop study recommends further investigations or risk assessments, these must be undertaken in accordance with a timetable approved by the Local Planning Authority and sufficiently detailed to determine the extent and nature of contamination affecting the site.

If recommended by the further investigations report, within 3 months of the Local Planning Authority’s approval of that report, a written remediation method statement shall be submitted to the Local Planning Authority for approval. The remediation method statement shall :

- i. Detail remediation works to ensure that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
 - ii. Contain a timetable for the remediation works, which are to be completed no later than 3 months after the Local Planning Authority’s approval.
 - iii. Detail a discovery strategy to be utilised in the event that unexpected contamination manifests during further remediation works. In that event, the contamination will be reported to the Local Planning Authority as soon as practicable and all works shall cease until further investigations and/or remediation are approved in writing by the Local Planning Authority.
- b) If within 12 months of the date of this decision the local planning authority refuse to approve the LCA 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.
- c) If an appeal is made in pursuance of (b) above, that appeal shall have been finally determined and the submitted LCA shall have been approved by the Secretary of State.

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.

Condition 4

No more than five pitches shall be provided on site at any one time. Each pitch shall contain no more than one touring caravan and one mobile home/static caravan as defined in section 29 Interpretation of Part I (1) Caravan Sites and Control of

Development Act 1960, and one utility day room as shown on Proposed Floor Plans and Elevations drawing number J004472-DD-06 PP.

Condition 5

The site hereby permitted shall not be occupied at any time other than by Gypsies and Travellers, as defined in the Planning Policy for Traveller Sites of December 2024.

Condition 6

The use hereby permitted shall cease and all caravans, vehicles, structures, equipment, and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 56 days of the date of failure to meet any one of the requirements set out in (a) to (d) below:

- a) Within 3 months of the date of this permission the following shall be submitted for the written approval of the local planning authority:
- i) A biodiversity method statement that shall include
 - Risk assessment of potentially damaging construction activities on protected species and biodiversity features likely to inhabit or forage on site, including but not limited to bats, badgers, reptiles, dormice and nesting birds.
 - Identification of “biodiversity protection zones” during construction.
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - Use of protective fences, exclusion barriers and warning signs.
 - The location and timing of sensitive works to avoid harm to protected species and biodiversity features.
 - The times during construction when specialist ecologist(s) need to be present on site to oversee works.
 - Responsible persons and lines of communication for ensuring compliance with the biodiversity method statement.
 - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - ii) A Landscape and Ecological Management Plan that shall include
 - Landscape objectives including evaluation of post-development boundary screening features
 - Ecological objectives including evaluation of the site’s post-development ecological potential and constraints.
 - Details of planted buffer strips along the site boundary(ies).
 - Details of a soft landscaping scheme including detailed plans, planting and retention schedule, with a programme of works. To include type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - Details of hard landscaping for the site details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking)
 - Details of ecological enhancements including initial aftercare, monitoring and remedial measures.
 - Details for disposal of any wastes arising from works.
 - Management actions for achieving landscape and ecological objectives.

- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - Name and contact details of the person(s) responsible for implementation of the LEMP and ongoing maintenance.
 - Schedule for implementation of the LEMP.
 - Schedule of monitoring and remedial measures e.g. annual pruning, planting.
- iii) Details of biodiversity improvements which shall include:
- Plan to show retained trees, woodland, and hedgerows and details of how these asset will be protected.
 - The installation of dormouse boxes at the site. These should be approximately 1.5m from the ground in appropriate habitat within the site boundaries.
 - The installation of two bat boxes at the site will provide additional roosting habitat for bats. The bat boxes will be installed on new buildings or retained trees in the site boundary.
- b) If within 12 months of the date of this decision the local planning authority refuse to approve the above listed (i) to (iii) 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.
- c) If an appeal is made in pursuance of (b) above, that appeal shall have been finally determined and the submitted Site Development Scheme shall have been approved by the Secretary of State.
- d) The above listed (i) to (iii) shall be implemented in full in accordance with the approved details no later than 6 months from its written approval and maintained thereafter.

Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

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.

Condition 7

All mobile homes being used for residential occupation on the site shall be BS3632:2015 (residential park home specification) compliant including acoustic insulation and glazing and be provided with local acoustic barriers situated to the north of each home, with a short wrap round at the east and west ends, as indicated in Figure 3 of Noise Impact Assessment report 1510.NIA.00 or any updated arrangement that may be subsequently agreed with the Local Authority.

The specification of the acoustic barrier is that the height should be sufficient to obscure line-of sight to traffic using the M4 from a standing position within any of the mobile homes (estimated to be approximately 2.3m assuming a 0.5m undercroft); the barrier should be

imperforate with no gaps or breaks and be constructed of a material that is at least 10kg/m².

Touring caravans shall not be used for residential sleeping accommodation on site unless it has first been demonstrated to and approved in writing by the Local Planning Authority that they comply with the noise insulation standards in BS3632:2015 (residential park home specification) or the minimum recommended standards of the World Health Organisation for nighttime noise exposure aimed at preventing adverse health effects.

Condition 8

At no time shall any form of business or commercial use operate on the site and no vehicles over 3.5 tonnes shall be stored or parked on the site.

Condition 9

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no gates, fences, walls or other means of enclosure which would otherwise be permitted by Schedule 2, Part 2, Class A of that Order shall be erected, constructed, or materially altered without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Condition 10

No works to the trees on site (including site clearance and any other preparatory works) shall be carried out until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority which shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Any works shall be undertaken in accordance with the approved details.

End of Schedule