



Appeal Decisions

Hearing held and site visit made on 11 June 2025

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal A Ref: APP/E3715/C/24/3354520

Appeal B Ref: APP/E3715/C/24/3354522

The land adjacent to 11 Watling Crescent, Newton, Rugby CV23 0AH

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”) by Mr Nathan Smith against enforcement notices issued by Rugby Borough Council.
- The notices were issued on 16 September 2024.
- The breaches of planning control as alleged in the notices are:
 - Appeal A - Without planning permission, the material change of use from agriculture to a mixed use as agriculture and the siting of caravans for residential use.
 - Appeal B - Without planning permission, the unauthorised importation and laying of material to form hardstanding; erection of an outbuilding (shown edged green on the attached plan); erection of fencing; and installation of solid timber gates.
- The requirements of the notices are:
 - Appeal A - (i) Cease the unauthorised use of the land; and (ii) Remove from the land the caravans (with the exception of the caravan within the blue edging).
 - Appeal B - (i) Remove from the land the imported material used to form the hardstanding; (ii) Demolish the outbuilding; (iii) Remove the unauthorised fencing; (iv) Remove the unauthorised gates; and (v) Remove all material arising out of (i – iv) from the site.
- The period for compliance with the requirements of both notices is 56 days.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (c) and (g) of the 1990 Act and Appeal B is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the 1990 Act. Since appeals have been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act in each Appeal.

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

Appeal B - Summary of Decision: Appeal B succeeds in part and permission for that part is granted, but otherwise the appeal fails, and the enforcement notice is upheld as corrected and varied in the terms set out below in the Formal Decision.

Preliminary Matters

1. The Appeals relate to the same land, with Appeal B concerning operational development undertaken to facilitate the use of the land subject of Appeal A.
2. The appellant has produced uncontested evidence that there was no agricultural use of the land on the date that the notice subject of Appeal A (“Notice A”) was issued. I shall proceed on the basis that the existing use is solely the siting of caravans for residential use, although the lawful use and accuracy of the allegation set out in Notice A will be considered in the appeal on ground (c).
3. An appeal on ground (d) in Appeal A was withdrawn.

Appeal A – the appeal on ground (c)

4. An appeal on this ground is that any matter stated in the notice, in this case the alleged change of use, does not constitute a breach of planning control. The onus is on an appellant to demonstrate that planning permission is not required or already granted on the balance of probabilities.
5. The Council issued a lawful development certificate (“the 2018 LDC”)¹ confirming that the existing ‘use of land for the stationing of a mobile home edged in green on the site location plan and its occupation during May to September between Friday to Sunday’ was lawful on 11 July 2017. The plan attached to the LDC shows the same site edged red that is subject to Appeals A and B. The use was found to be lawful effectively because it had probably taken place for a 10 year period, meaning that it was immune from enforcement action under section 171B(3) of the 1990 Act.
6. Under section 191(6) of the 1990 Act, the lawfulness of any use for which an LDC is in force shall be conclusively presumed. The 2018 LDC does not specify any use, but all evidence points to it probably concerning the stationing of a caravan for human habitation or residential use. The 2018 LDC does specify that the use only took place at weekends between May and September. It is necessary to address whether that means the alleged siting of caravans for residential use is lawful, having regard to the legislative context and the content of the 2018 LDC.

Legislative context

7. Section 1(4) of the Caravan Sites and Control of Development Act 1960 (“the 1960 Act”) defines a caravan site as meaning land on which a caravan is stationed for the purpose of human habitation and land which is used in conjunction with the land on which the caravan is stationed. A caravan site may contain one or more residential caravans, and, in conjunction, land where caravans are not stationed.
8. Section 29(1) of the 1960 Act defines a caravan to include any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed or transported on a motor vehicle or trailer). Caravans are therefore moveable by definition, so their stationing or siting is not normally taken to be operational development. Planning permission is required not for the stationing of the caravan, but for any material change of use of land that is facilitated by it, for example from agricultural to residential use.
9. An LDC is not the same thing as a planning permission, though it confers some of the same benefits. The description set out in an LDC does not serve to restrict the lawful use, but rather amounts to a benchmark against which the materiality of any subsequent change in the character or intensity of the use should be assessed.

The 2018 LDC

10. In their written submissions and at the Hearing, the parties interpreted the 2018 LDC to different ends. I cannot accept the Council’s position because it conflates the single caravan on the land at the time of the 2018 LDC with the land use found to be lawful.
11. The 2018 LDC’s Second Schedule describes the land as “land adjacent to 11 Watling Crescent ... outlined in red and site of mobile home edged in green on the

¹ R17/0679 granted 29 January 2018

plan attached” to the certificate (my emphasis). It follows that the use found to be lawful can take place within the land outlined in red.

12. Therefore, and read fairly, the phrase ‘stationing of a mobile home edged in green on the site location plan’ in the description of the lawful use should be interpreted to mean that the mobile home was then sited in the position edged in green. The 2018 LDC cannot reasonably be interpreted to mean that the lawful use is limited to the area edged in green rather than the wider area edged in red.
13. As indicated above, there seems to be no dispute that the reference to occupation in the 2018 LDC should be read as referring to residential use. The evidence submitted in support of that application included sworn statements from persons who had stayed on the land when visiting friends in the area. While it could be that the land was actively used for agriculture outside of weekends between May and September, the 2018 LDC does not state the land was in any mixed use and it is not necessary for me to explore that issue further.
14. Importantly, the 2018 LDC certified, in essence, that the stationing of a caravan for residential purposes on the site of these appeals, in other words, as a caravan site as defined in section 1 of the 1960 Act, was lawful. While the 2018 LDC refers to ‘occupation [of the caravan] during May to September between Friday to Sunday’ that does not imply removal of the caravan from the land at other times.

Abandonment of the lawful use

15. The Council took the view that the lawful use had been abandoned when it considered a more recent application² for an LDC for the use of the land to site a caravan for residential occupation throughout the year. However, the notice does not appear to be based on the same view, because requirement (ii) allows for a caravan to remain in the part of the site edged green on the 2018 LDC plan and the Council does not allege abandonment in its submissions in these appeals. Nevertheless, I shall deal with the matter here for completeness.
16. The Council states that the site had been left unmaintained for some time, although how much of the period since the date of the application for the 2018 LDC that would be is not defined. It further states that scrub had spread over most of the land by June 2023. While a lack of maintenance may follow a lack of use, they are not the same thing and the amount of scrub on the land appears similar in aerial images from 2016 (before the 2018 LDC was applied for) and 2021. There is no evidence of the land having been put to another use, or of the previous owner’s intentions for it. On the limited evidence available, I cannot conclude, on the balance of probabilities, that the lawful use had been abandoned.

Whether there has been a material change in the character or intensity of the use

17. The foregoing assessment leads me to a finding that the allegation set out in the notice is not correct. There has not been a breach of planning control through a material change of use to the siting of a caravan for residential use because that use is already immune from enforcement action and certified as such, in so many words, by the 2018 LDC. It is possible, however, as the appellant accepts, that there has been a material change through intensification of the lawful use.

² R23/0730.

18. The use subject of Notice A differs from that described in the 2018 LDC in the significant respect that it is carried out on a permanent basis, with the land being the appellant's settled base. That contrasts with the temporal limitation, amounting to 66 days over 5 months of each year, set out in the 2018 LDC, with the site dormant for more than half of the year.
19. The origin of the limitation, to Friday to Sunday, May to September, is unclear, not least as the application form did not state there had been any such restriction. However, section 191(6) of the 1990 Act states that the lawfulness of any use for which an LDC is in force shall be conclusively presumed. The use described in the LDC, including the stated temporal limitation, amounting to some 66 days per annum, is therefore the starting point in considering whether a change in the definable character of the use has occurred.
20. There is very little information about the level of activity associated with the intermittent seasonal use of the 2018 LDC and how that compares with the level of activity now. However, the appellant has not shown that an increase in residential activities from 66 to 365 days per year alone did not, probably, have a material effect on the character of the use.
21. Caravans that are only occupied Friday to Sunday in a pattern such as this cannot be a person's sole or main place of residence. Even in the active months, there would be no residential presence for more than half of each week. Overall, there would only be activity on the site for less than a fifth of each year. The appellant has not demonstrated that there was not a material intensification in the character of the residential use carried out on the site.
22. The greater incidence of associated operational development can also be taken as indicating a probable change in the character of the residential use. While there was a building on the site during the period in which the use certified in the LDC became lawful, there is no evidence that it was ever used in connection with that use. There are now 2 buildings on the land being used for purposes incidental to the siting of caravans for residential use, although only one of them is subject of the notice in Appeal B.
23. The same applies to other operational development that has taken place and is subject to Appeal B. Hardstanding, fencing and gates can be required at any residential caravan site, including those occupied for holiday purposes. However, the fact remains that they were constructed to enable permanent residential use in this case, and they add to the impact of the use being carried out on that basis.

Conclusion on ground (c) in Appeal A

24. I find that Notice A misdescribes the alleged breach of planning control. However, I may correct any error in the allegation and/or vary any requirements of the notice provided there would be no injustice to the Council or the appellant. Given that the appellant clearly raised the question of intensification at an early stage, I find that amending the notice to allege that would cause no injustice. The grounds of appeal can still be considered fairly, and the requirements of Notice A will not be made more onerous in substance.
25. I shall therefore correct the allegation to read: "The making of a material change of use by the intensification of use of the existing caravan site such that 2 caravans are stationed for permanent residential use by a single household."

26. The appellant has not demonstrated that, on the balance of probabilities, the intensification of the use was not material, or that planning permission is not required or is already granted. I conclude that there has probably been a breach of planning control. Subject to correction of the notice, Appeal A fails on ground (c).

Appeal B – the appeal on ground (c)

27. This ground of appeal is limited to the erection of 2 sections of fencing. The larger section begins at the entrance gates and runs along part of the site frontage, the common boundary with 11 Watling Crescent, across the rear of the site, and back along part of the southern boundary. A hedge encloses the remainder of the southern boundary. The shorter section of fencing encloses the site frontage between the hedge and the entrance gates. Each section of fencing shown on plan B is a single structure for the purposes of this assessment.
28. Article 3 and Schedule 2, Part 2, Class A of The Town and Country (General Permitted Development) (England) Order 2015 (as amended) (“Class A” of “the Order”) grant planning permission for the erection, construction, maintenance, improvement or alteration of means of enclosure including a fence. However, this is subject to a limitation that the height of any such means of enclosure not adjacent to a highway used by vehicular traffic does not exceed 2 metres above ground level. By reason of its maximum height of 2.1 metres above the adjacent ground level, the larger of the 2 sections of fencing is not permitted by the Order and is development requiring planning permission.
29. The appellant accepts that Watling Crescent is a highway used by vehicular traffic and that both sections of fencing are adjacent to it, in whole or in part. Both sections exceed 1m in height where they are adjacent to the highway, so they are not permitted by the Order due to conflict with the limitation in paragraph A.1.(a)(ii) of Class A. The appeal on ground (c) in Appeal B must fail.

Appeals A and B – the appeals on ground (a)

30. The appellant is a Romany Gypsy who has lived in caravans all his life and has resided in the local area for most of that time. While he has travelled extensively for work, he acquired the appeal site to provide a settled base where he and his wife can start a family.
31. The appeal on this ground in Appeal A will therefore need to be determined having regard to Planning Policy for Travellers Sites (PPTS). The Council’s concerns in respect of Appeal B relate to the extent of hardstanding, the fencing and entrance gates and the scale of the outbuilding. Section 177(1) of the 1990 Act allows that planning permission may be granted in an appeal on ground (a) for the whole or any part of the matters alleged in the notice.
32. The main issues in the appeals are:
- The effect of the residential use and associated works on the rural character and appearance of the location.
 - Whether there is good access to local services such as schools and health facilities.
 - The need, supply and availability of Gypsy and Traveller pitches in Rugby.

Reasons

Appeals A and B - character and appearance

33. Watling Crescent is a small enclave of low density C20th housing with large gardens and some significant gaps between dwelling plots. The spaces between plots and the narrow, unsurfaced nature of the road near the appeal site contribute to the rural character of the area, which is not diminished by the presence of large commercial premises or the busy A5 and M6 roads nearby.
34. It was confirmed in the Hearing that the Council's concerns on this issue primarily arise from the operational development the subject of Appeal B. However, it notes that the site is much larger than nearby residential plots, but that fact on its own does not show that planning permission should be refused for the use subject to Appeal A. I find the size of the site and low density of development upon it to be broadly consistent with the spacious character of this rural area. They also provide an opportunity to promote soft landscaping as discussed below.
35. The change of use by intensification has been facilitated by the stationing of an additional caravan on the land, in addition to the temporal change. Residential activity and comings and goings now take place more frequently while structures and chattels, such as domestic vehicles, will be both present and used more frequently. However, the occupation of the site has not intensified in terms of household numbers.
36. Planning permission could be granted for the use subject to a condition requiring the provision of areas of soft landscaping with the details of such planting, plus details of any external lighting installations, to be approved by the Council. A scheme to landscape the site in this way, and thereby soften its appearance, including measures to prevent unacceptable light spillage, would ensure that the residential use appears no more discordant than nearby dwellings.
37. If the use is acceptable, it should be expected that a significant proportion of the land will be surfaced to provide a base for caravans, and for access, parking and circulation. Driveways and parking areas are to be expected on residential plots, so it is not unsurprising, or unacceptable, that the appeal site includes the same.
38. The expanse of hardstanding across the frontage detracts from the character and appearance of this rural area and is inconsistent with the large gardens at nearby dwellings. The visual effect of the hardstanding is, however, partly mitigated by the retention of 2 trees, a grassed area near the common boundary with 11 Watling Crescent, and a small paddock along the southern boundary. On that basis, any permission granted via Appeal B could also be subject to a condition that requires additional landscaping of the site. That would allow a hardstanding to be retained, albeit reduced from its current extent, so avoiding unacceptable harm to the character and appearance of the area.
39. The fencing on the side and rear site boundaries, points A - G on Plan B, is of a scale and design to be expected on a dwelling plot, even with the minor exceedance of 2m in height noted in the appeal on ground (c). However, the scale and solid form of the gates and the sections of fencing fronting Watling Crescent have an unacceptably imposing effect that does not reflect or respond to the rural character of the area and does not add to its overall quality. Since they can be detached from the remainder of the fencing, I shall make a split decision that will

deny permission for the front fencing and gates and require details of an alternative boundary treatment by means of a condition.

40. Dimensions have not been provided for the outbuilding the subject of the notice, but I saw that its scale and design are broadly comparable to a double garage, a common feature on residential plots. It is therefore not unacceptably incongruous or obtrusive. I conclude that, subject to the provision of soft landscaped areas and control over external lighting, the use of the existing caravan site such that 2 caravans are stationed for permanent residential use by a single household, the laying of hardstanding, the erection of an outbuilding and the erection of fencing between points A - G on Plan B cause no unacceptable harm to the character and appearance of the rural area.
41. Those components of the development do not conflict with policies SDC1, SDC2, and DS2 of the Rugby Borough Council Local Plan 2011 - 2031 ("the RBCLP"), which require development to be of a scale, density and design that responds to the character of the area and achieve a high standard of appropriate hard and soft landscaping to mitigate visual impacts.
42. However, I also conclude that the fencing and gates between points A and H on Plan B cause unacceptable harm to the character and appearance of the area. They conflict with Policy DS2 and with PPTS, which seek to avoid the enclosure of Traveller sites with inappropriate fencing that gives an impression of the site being deliberately isolated from the rest of the community.

Appeal A - access to local services

43. Policy DS2 of the RBCLP requires that sites for Gypsies and Travellers afford good access to local services such as schools and health facilities. The policy does not define 'good access' but the supporting text states that its criteria are consistent with PPTS. However, PPTS contains no such expectation.
44. The nearest medical centre, primary schools, post office, supermarket and church are 2.9 to 3km away and the roads leading to these facilities are unlit and without footways for much of their length. No evidence of public transport serving the appeal site has been provided and it is therefore likely that journeys would predominantly be made by car, although cycling is an option. In that regard, I heard that some employees at the adjacent commercial premises cycle to work but no more detail was provided.
45. Accordingly, I agree with the Council that allowing Appeal A would result in an increase in journeys made by car. However, paragraph 110 of the National Planning Policy Framework ("the Framework") recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. That is highly relevant because PPTS does not prevent Gypsy or Traveller sites in rural or semi-rural areas and Travellers normally use private vehicles to work. Factors relevant to the sustainability of Gypsy and Traveller sites set out in PPTS paragraph 13 do not mention public transport or distance to shops and services.
46. Having regard to PPTS paragraph 13, the site would provide a settled base for the appellant and his family, thus reducing the need for long-distance travelling. Use of the site also promotes access to health services, in the sense of being able to use them by reason of having a permanent address. Overall, I conclude that the appeal site does not provide unacceptably poor access to local services. Any conflict with

policy DS2 would therefore be justified due to inconsistency with the Framework and PPTS, which I consider should prevail in this instance.

Appeal A - need and supply

47. The Council accepts that it cannot demonstrate a 5-year supply of deliverable Gypsy and Traveller pitches to meet the borough's needs against up-to-date targets. The parties also agree that there is an immediate and serious unmet need for 54 pitches in the borough. The Council intends to allocate a new site to address this need in a forthcoming local plan but no application for its development has been made yet.
48. No evidence has been provided of any suitable alternative sites being available to address either the general current need or the appellant's personal need for a site. I attach significant weight to the lack of a 5-year supply, the immediate unmet need and the lack of any alternative sites as factors in favour of Appeal A.

Appeals A and B – other matters

49. RBCLP policy NE1 expects development to deliver a net gain in biodiversity. While the grant of planning permission in England is now deemed to be subject to a biodiversity gain condition, that requirement has not yet commenced for successful appeals against enforcement notices. Nevertheless, it is reasonable for a landscaping scheme to be designed with ecology in mind, even if the outcome is not a biodiversity net gain.
50. The Council finds no harm to the living conditions of site occupiers or nearby occupiers subject to the implementation of landscaping. I would agree and note that additional landscaping could also serve as a play area, as PPTS expects.

Appeals A and B - conclusions on ground (a)

51. I conclude that, subject to the landscaping condition discussed, the use of the existing caravan site such that 2 caravans are stationed for permanent residential use by a single household causes no unacceptable harm to the character and appearance of the area. The development does not provide unacceptably poor access to local services and helps meet a general need for Traveller sites.
52. Thus, the use complies with RBCLP policies SDC1, SDC2 and, at least to an extent, DS2. It also complies with PPTS and the Framework, and so planning permission should be granted without delay. Appeal A succeeds on ground (a) and does not fall to be considered on ground (g).
53. I also conclude, again subject to a landscaping condition, that the laying of hardstanding and the erection of an outbuilding and fencing between points A - G on Plan B are acceptable and should be permitted. However, the fencing and gates between Points A and H cause unacceptable harm to the character and appearance of the rural area, and I shall refuse permission for these structures, exercising my power under section 177(1) of the 1990 Act to make a split decision on Appeal B.
54. Thus, Appeal B succeeds in part on ground (a). Notice B will not be quashed, and the requirements will not be varied. However, by reason of section 180(1) of the 1990 Act, the notice shall cease to have effect insofar as it is inconsistent with the permission I will grant.

55. The appeals on grounds (f) and (g) in Appeal B therefore only fall to be considered in respect of the matters that I shall not grant planning permission for. These are the formation of the hardstanding, the erection of the sections of fence on the road frontage and the insertion of the gates.

Appeals A and B - Conditions

56. It is necessary to impose conditions on the planning permission granted for the use of land, pursuant to Appeal A, to ensure that the site is only occupied by Gypsies or Travellers, because the permission is justified in part by the need for Traveller sites. It is also reasonable and necessary to impose a condition to control the number of pitches and caravans on the land, to protect the character and appearance of the area and the living conditions of both site and nearby occupiers.
57. As discussed above, it is also necessary and reasonable to impose a landscaping condition on the permissions granted pursuant to both Appeals, to mitigate the impact of both the use and operational development on the character and appearance of the area.

Appeal B – the appeal on ground (f)

58. It was argued on the appeal form that the notice does not specify which fencing would need to be removed, the implication being that some might be removed unnecessarily, making requirement (iii) excessive. However, the requirement is stated to apply to ‘the unauthorised fencing’ and I have determined that all the fencing on the land requires an express grant of planning permission. As I shall identify the section of fencing to be permitted in the Formal Decision, there will be no risk of any other part being removed unnecessarily.
59. While the appellant’s written submission had suggested that the gates could be reduced in height, it was accepted in the Hearing that this might not be feasible. In any event, this goes to the planning merits of the fencing, which I have already considered in the appeal on ground (a). Given my conclusion on that ground, it is not excessive to require the removal of the gates.
60. For these reasons the appeal on ground (f) must fail.

Appeal B – the appeal on ground (g)

61. My decisions will allow the appellant to continue living at the site but without the gates and fencing currently on the road frontage, with obvious security implications. It would be reasonable to allow longer than 56 days for compliance with the notice in this respect, so that details of any replacements may be approved prior to installation in accordance with the condition I have decided to impose in Appeal A.
62. As noted earlier, it a significant proportion of the hardstanding could be retained in the amended layout to be approved under the terms of the landscaping condition I shall impose. It would therefore be reasonable to allow a longer period for compliance with this aspect of the notice to avoid any abortive or unnecessary work.
63. The appeal on this ground therefore succeeds in those ways and Notice B will be varied to allow a longer period for the submission, approval and implementation of the necessary details to be secured by the condition.

Appeal A – Conclusion

64. For the reasons given above, I conclude that Appeal A succeeds on ground (a) and I shall grant planning permission for the use as described in the notice as corrected. Following correction, Notice A will be quashed.

Appeal B – Conclusion

65. For the reasons given above I conclude that Appeal B should succeed in part only. I will grant planning permission for the erection of the outbuilding, the importation and laying of material to form hardstanding, and the erection of fencing between points A - G on Plan B. Otherwise, I will uphold Notice A with a variation and refuse to grant planning permission in respect of the erection of fencing and the installation of solid timber gates between points A and H on Plan B.

Appeal A – Formal Decision

66. It is directed that the notice is corrected by deleting the text of section 3 in its entirety and substituting “The making of a material change of use by the intensification of use of the existing caravan site such that 2 caravans are stationed for permanent residential use by a single household.”
67. Subject to the correction, Appeal A is allowed, Notice A is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act for the development already carried out, namely the making of a material change of use by the intensification of use of the existing caravan site such that 2 caravans are stationed for permanent residential use by a single household at the land adjacent to 11 Watling Crescent, Newton, Rugby CV23 0AH as shown on the plan attached to the notice and subject to the conditions set out in the attached schedule.

Appeal B – Formal Decision

68. It is directed that Notice B is corrected by:
- Deleting “on the attached plan” from section 2 and substituting “on Plan A attached to this notice.”
 - Deleting “plan” from section 3 and substituting “Plan A.”
 - Inserting “between the points marked A - G and the points marked A and H on Plan B attached to this notice” after “fencing” in section 3.
 - Inserting “between the points marked A and H on Plan B” after “gates” in section 3.
 - Inserting “between the points marked A - G and the points marked A and H on Plan B” after “fencing” in section 5.
 - Inserting “between the points marked A and H on Plan B” after “gates” in section 5.
 - Adding the words “Plan A” to the plan attached to the notice.
 - Attaching “Plan B”, which is annexed to this Decision.

69. It is also directed that Notice B is varied in section 5 by the deletion of the words “Fifty six days” and the substitution of the words “requirements (i) and (v): 12 calendar months, requirements (iii) and (iv): 6 calendar months.”
70. Subject to the corrections and variation, Appeal B is allowed insofar as it relates to the erection of the outbuilding edged green on Plan A, the importation and laying of material to form hardstanding, and the erection of fencing between the points marked A - G on Plan B. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act, for the erection of the outbuilding edged green on Plan A and the erection of fencing between the points marked A - G on Plan B at the land adjacent to 11 Watling Crescent, Newton, Rugby CV23 0AH subject to the condition set out in the attached schedule.
71. Appeal B is dismissed and Notice B is upheld as varied insofar as it relates to the installation of solid timber gates and the erection of fencing between the points marked A and H on Plan B. Planning permission is refused in respect of the installation of solid timber gates and the erection of fencing between the points marked A and H on Plan B at the land adjacent to 11 Watling Crescent, Newton, Rugby CV23 0AH on the application deemed to have been made under section 177(5) of the 1990 Act.

Mark Harbottle

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Marc Willers KC
Philip Brown - Director, Philip Brown Associates

FOR THE LOCAL PLANNING AUTHORITY:

Christian Hawley
Chris Davies - Principal Planning Officer, Rugby Borough Council
James Briggs - Planning Enforcement Officer, Rugby Borough Council

Appeal A – Schedule of Conditions

- 1) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 2) There shall be no more than one pitch on the land, with no more than 1 static caravan and 1 touring caravan (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended) being stationed on the land at any time.
- 3) Within 3 months of the date of the failure to meet any one of the requirements set out below, the use hereby permitted shall cease and all caravans, equipment and materials brought onto the land for the purposes of such use shall be removed until such time as the requirements are met:
 - i) Within 3 months of the date of this decision a detailed hard and soft landscaping scheme shall have been submitted for the written approval of the local planning authority for approval. The submitted scheme shall include:
 - (a) A plan to create soft landscaped areas on the site, including by reducing the existing area of hardstanding.
 - (b) Details of the site boundary treatment.
 - (c) Planting and maintenance of all new planting.
 - (d) Species used and sourcing of plants.
 - (e) Any proposed habitat areas.
 - (f) Details of any external lighting.
 - 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.

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.

Appeal B - Condition

- 1) Within 3 months of the date of this decision, a detailed hard and soft landscaping scheme shall be submitted for the written approval of the local planning authority. The submitted scheme shall include: (a) a plan to create soft landscaped areas on the site, including by reducing the existing area of hardstanding; (b) details of the site boundary treatment; (c) planting and maintenance of all new planting; (d) species used and sourcing of plants; (e) any proposed habitat areas; (f) details of any external lighting; and (g) details of the timetable for implementation. The approved scheme shall be carried out in accordance with the approved details and retained thereafter.

Appeal B – Plan B

