



Appeal Decision

Hearing held on 10 April and 27 May 2025

Site visit made on 10 April 2025

by Timothy C King BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Appeal Refs: APP/M3645/C/24/3349392 & APP/M3645/C/24/3349393
Land adjoining Alwyn to the west of Green Lane, Shipley Bridge,
Horley RH6 9TJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Ms Elizabeth Connors and Mr Jonh Harty against an enforcement notice issued by Tandridge District Council.
- The enforcement notice was issued on 8 July 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the following unauthorised development:
 - a) Without planning permission, the making of a material change of use of the Land to a residential caravan site;
 - b) The parking and/or storage of vehicles, plant and machinery on the Land ancillary to its use as a residential caravan site;
 - c) An outbuilding in association with the unauthorised residential caravan site;
 - d) The placing and storage of construction materials on the Land ancillary to its use as a residential caravan site; and
 - e) Without planning permission, operational development consisting of the importation of hardcore, rubble and other construction materials, laying of surfacing materials and installation of septic tanks and associated pipework, installation of water supply pipes and electrical cabling, and erection of close boarded fencing, all associated with the unauthorised use of the Land as a residential caravan site.
- The requirements of the notice are to:
 - i) Cease the use of the Land for the stationing of caravans for residential purposes within 1 month;
 - ii) Remove all caravans from the Land within 1 month;
 - iii) Cease the parking and/or storage of vehicles, plant and machinery on the Land ancillary to its use as a residential caravan site within 1 month;
 - iv) Remove from the Land all associated miscellaneous items associated with the unauthorised residential use of the Land within 1 month;
 - v) Demolish the outbuilding located in the approximate location shown coloured blue on the site location plan within 1 month;
 - vi) Cease the placing and storage of construction materials on the Land ancillary to its use as a residential caravan site within 1 week;
 - vii) Cease all operational development consisting of the use of construction materials, laying of water supply pipes and electrical cabling and surfacing materials, and installation of septic tanks and associated pipework, and all close boarded fencing associated with the use of the Land for the stationing of caravans for residential purposes within 2 months;
 - viii) Dig up or dismantle and remove from the Land to a licensed waste management facility all hardcore, rubble and other construction materials brought on to the Land, all water supply sites and electrical cabling, septic tanks and associated pipework,

- and all close boarded fencing associated with the use of the Land for the stationing of caravans for residential purposes within 2 months;
- ix) Following compliance with steps i) to viii) above, level then scarify the surface of the Land and seed with a grass and wildflower seed mixture during the next period of the year that includes the months of April to September immediately following compliance with iii) to ix) above.
- The period for compliance for steps i), ii), iii), iv), v) and vii) is within one month from the date this notice takes effect, step vi) within one week from the date this notice takes effect, and step viii) within two months from the date this notice takes effect,.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fee has been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
-

Formal Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the use of the land and buildings as a residential caravan site, and also the laying of hardcore at land adjoining Alwyn to the west of Green Lane, Shipley Bridge, Horley RH6 9TJ, as shown on the plan attached to the notice, subject to the conditions set out in the Schedule of Conditions attached.

Application for Costs

2. An application for Costs was made by Ms Elizabeth Connor and Mr John Harty against Tandridge District Council. This application is the subject of a separate decision.

Preliminary Matters

3. Given the latest updates in national advice with new iterations of the government's National Planning Policy Framework, December 2024 (the Framework) and also its Planning Policy for Traveller Sites, December 2024 (PPTS) regard has been had to the updated guidance.
4. In June 2024, around the time that the appellants moved on to the site, a planning application was submitted to the Council proposing the change of use of the land to a residential caravan site for the purposes of gypsy accommodation, involving three pitches, comprising one static caravan/mobile home and one touring caravan. At the time of the Hearing the application (ref TA/2024/645) remained undetermined and I understand that there had been no appeal lodged against its non-determination.
5. One of the reasons for the Council issuing the enforcement notice was that that the development represented inappropriate development within the Metropolitan Green Belt. However, subsequently, in view of the government's recent change in policy with the introduction of the conceptual term of 'Grey Belt' by way of the Framework, and the subsequent findings of Inspectors on appeals relating to sites in the locality, the Council now considers that the development of the appeal site would not fundamentally undermine the purposes, taken together, of the remaining Green Belt in the Tandridge District area. Accordingly, upon the Hearing reconvening, the Council made the decision to offer no objection to the development on the above point. From my

observations and also with reference to relevant public documents, I agree with this approach.

6. In an attempt to provide appropriate evidence to adequately plan for the delivery of gypsy and traveller development and to support a replacement Local Plan, which has been significantly delayed due to issues of soundness, the Council recently commissioned a new Gypsy and Traveller Assessment (GTAA). Undertaken by Opinion Research Services (ORS), a response rate of 97% was said to have been achieved, and the exercise was completed in March 2025.
7. The aim of the GTAA is to provide a robust assessment of current and future need of land for gypsy and traveller purposes, and covers a 20 year period from 2025 to 2044, Steve Jarman of ORS appeared at the Hearing to give evidence and explain the study's findings, which are disputed by the appellants. He indicated that deliverability should be afforded more weight than actual site allocations.
8. The research identified a need for 138 pitches emerging from the 109 households that met the 2024 PPTS definition. This is as follows:

'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 dependents' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan...'

Background

9. The site, which lies outside the District's development boundaries, has been cleared following its sale was, until recently, an undeveloped field, previously used for agricultural purposes, which also contained many mature trees and shrubs. A number of interested parties spoke at the Hearing to describe the loss of these features and the visual change that has taken place. As mentioned, it falls within the Metropolitan Green Belt, and has been identified by the Council as a locally designated Biodiversity Opportunity Area.
10. The immediate area has a semi-rural character, with the appeal site lying close to the junction with the B2037 which crosses the M23, nearby. Green Lane itself is rather narrow but serves as the access to a number of scattered residential properties set back from the lane. Further down the lane, off its east side, are other caravan sites which appear to be well established.
11. At my site visit I noted there were two mobile homes present on the appeal land, one touring caravan, and a timber outbuilding. The site is surrounded by relatively high close-boarded timber fencing, and the land has been levelled with hardcore scalplings. The mobile homes were situated within the site, off its western boundary.

Matters concerning the enforcement notice

12. The alleged breaches of planning control include the storage of plant and machinery and the placing and storage of construction materials. I observed that these, if previously present, had now been removed from the land.

13. Normally, it is sufficient for the final requirement of an enforcement notice to stipulate that, following compliance with the other steps, the land should be restored to its condition prior to the development taking place. However, in this particular instance, having witnessed the drastic changes brought about by the use now taking place, the removal of vegetation and alteration of the land's surface, I am satisfied that the enforcement notice can require the land to be seeded to promote the growth of vegetation and restore its natural state.

The appeal on ground (b)

14. An appeal under ground (b) involves the claim that the alleged breach has not occurred as a matter of fact.
15. The appellants say that the timber structure referred to by the Council as an outbuilding is not a building. Instead, they consider it as 'a stable on skids'.
16. The courts have held that the key elements in deciding whether something is a building or not are size, permanence and physical attachment to the land. Indeed, this approach is at one with that taken by the court in a rating case, *Cardiff Rating Authority v Guest Keen Baldwin Iron and Steel Co Ltd* [1949] 1 KB 385, cited by the Council in its representations on the current appeal.
17. The relevance of permanence as a factor to be considered can be seen in the more recent judgement of *Skerritts of Nottingham Ltd v SSETR* [2000] JPL 1025. The case concerned a large marquee, where the Inspector had concluded as a matter of fact and degree, it was a building owing to its dimensions, its permanence (rather than its fleeting nature), and the secure nature of its anchorage. The Court of Appeal found that the marquee's annual removal did not deprive it of the quality of permanence.
18. In the current appeal, whether or not the said timber structure is moveable, I am satisfied that it has acquired a sufficient degree of permanence, and I have therefore concluded that the alleged breach in this respect has occurred.
19. Accordingly, the appeal on ground (b) does not succeed.

The appeal on ground (a) and the deemed planning application (DPA)

Main Issues

20. In view of the Council now considering that the land can be termed Grey Belt this reduces the main issues to the following:
- 1) The need and provision of gypsy and traveller sites within the Medway area; and
 - 2) the effect of the development on the character and appearance of the surrounding area, both in terms of its location and also it being within a locally designated Biodiversity Opportunity Area

Reasons

Need and provision

21. Policy CSP 9 of the Council's Core Strategy (CS), adopted in 2008, is the starting point for assessing the merits and impacts of developing land for gypsy and traveller purposes. The policy says that the Council will make provision through a Site Allocations Development Plan Document (SADPD). However,

crucially, the SADPD never materialised and, therefore, in the absence of any allocated sites planning applications are assessed on a case by case basis. Accordingly, the Council has been reliant on windfall sites in this regard.

22. The GTAA has identified a need for 81 new gypsy pitches over the period 2025 to 2029.
23. Due to the level of need identified in the GTAA and the lack of supply of available pitches a Pitch Delivery Assessment (PDA) was carried out in an attempt to meet the need. This aims to identify and assess potential sites for pitches and focusses on determining the suitability, availability, and achievability of existing sites and the scope for intensification or expansion of existing sites. The PDA suggests that 43% of all need for the plan period to 2044 could potentially be met. When discounting travelling show-people, this rises to 64% for gypsies and travellers, specifically.
24. The PDA resulted in an overall total residual need of 120 pitches/plots for persons meeting the 2024 definition over the plan period, reduced to 17 when accounting for gypsy and traveller households.
25. Accordingly, from the above, the Council acknowledges that it cannot currently meet the identified 5 year need solely through intensification of existing sites considered within the PDA, but it does say that, of the 81 pitches needed, 63 will come from this approach and 12 from 3 pitches that should be occupied by gypsies, but are not. Apparently, enforcement action has been started to evict the non-gypsy occupiers.
26. To this end, therefore, policy CSP 9 has failed to achieve its purpose. That said, though, the Council takes the view that the PDA findings along with planning permissions granted for related development suggest that a supply of deliverable pitches in excess of 5 years can be demonstrated. However, the PPTS says that for pitches to be considered deliverable they should be available now, have a suitable location, and there should be a reasonable prospect that development can be delivered within the 5 year period.
27. In the circumstances the Council has drawn up an interim policy position statement (IPPS) to assist in the determination of gypsy and traveller development proposals which, it is said, should be used alongside the PPTS, the Framework and policy CSP 9.
28. The purpose of the IPPS is to establish a consistent approach for the determination of planning applications for temporary and permanent pitches for gypsy and traveller accommodation purposes throughout the Tandridge District Council area. Its requirements are standard which, amongst other things, refer to harm to the character and appearance of the local area, an over-concentration of sites in any particular area, and the number of pitches being appropriate to site size and availability of infrastructure and services.
29. The appellants' agent considers that the GTAA has identified a demonstrable unmet need and said that the GTAA failed to take into account 93 unauthorised pitches, but Mr Jarman disagrees saying that the GTAA assessment of future need is comprehensive and robust. The main parties are also at odds as to whether or not the IPPS is consistent with the Framework, and the appellants consider that the Statement should only be given limited weight.

30. The agent takes issue with the methodology process used in compiling the GTAA saying that ORS discounted numerous bricks and mortar households without successfully interviewing them., and that more households should have been treated as meeting the PPTS definition. They also dispute the said response rate of 97%, and make the point that neither the GTAA nor the IPPS was subject to a formal public consultation exercise.
31. Moreover, the agent says that the IPPS fails to provide any clear evidence that the sites identified in the PDA are deliverable whereas the Council takes the view that the evidence base to support the delivery of pitches is up to date, and is of the view that a 5 year land supply exists, and that this should be afforded considerable weight. As mentioned, Mr Jarman considers that deliverability should have more weight than actual site allocations.
32. Taking all the evidence into account on this matter I consider that the expected deliverability to achieve a five year land supply is an aspiration which the Council is hoping can be met by placing much less reliance on policy CSP 9 which has become increasingly ineffectual and it has been necessary to bring in the IPPS because the circumstances when the Core Strategy was adopted in 2008 are now very different with contemporary guidance set out in the Framework and the PPTS.
33. The GTAA was commissioned as an update to inform the emerging replacement Local Plan, which was aborted. As a result the Plan is being newly compiled, yet the Council's latest Local Development Scheme indicates that adoption is not expected until at least July 2028. This date might be ambitious but at least by then the effectiveness of the IPPS in terms of the deliverability of land for gypsy and traveller purposes will have been monitored and measured from the empirical evidence arising.
34. Currently, I am not fully convinced as to whether the level of deliverability expected by the Council will fully bear fruit. The evidence is not yet there and the hoped for success is arguable. Accordingly, my findings on this main issue will be weighed in the planning balance.

Character and appearance

35. Following my site visit I noted two caravan parks further down Green Lane which appeared from the lane to have orderly site arrangements. If these sites are used by gypsies and travellers then, given the sporadic residential development set back from the lane, combined with the semi-rural character, it means the immediate area can be termed to be one of a mixture of residential type uses. However, I am unaware of their planning status or the demographic of the occupiers. I am also mindful of the PPTS's aim to integrate the travelling and settled communities.
36. A requirement in CS policy CSP 9 is that the development would not significantly harm the visual amenities and character of the area. In this regard I sympathise with the various residents who made representations objecting to the development and those who spoke, at times emotively, at the Hearing. This illustrated the substantial visual changes that have taken place since the appellants moved onto the land. Compared to what was described as an attractive landscape they see this as a deleterious development. Change can sometimes be unavoidable but, although I am unfamiliar with the immediate area, I was surprised as to the site's spartan, even sterile,

appearance which has clearly had a significant impact, both visually and in terms of biodiversity.

37. In the above connection I note that both policy CSP 9 and the IPPS say that development should not significantly harm the appearance and character of the local area, and policy DP19 of the Local Plan Part 2 Detailed Policies (LP) says that nature conservation should be protected. This common proviso has clearly been violated with such a substantial amount of vegetation having been lost.
38. The visual element aside, the appeal site is reasonably substantial in size and, in terms of design and the safeguarding of local residential amenities such as privacy, I am not of the view that the living conditions of neighbouring occupiers have been unduly harmed by the development. As such, for the main part, the objectives of LP policy DP7 have not been significantly affected.
39. As a result of a Written Ministerial Statement Intentional unauthorised development (IUD) is a material consideration that should be weighed in the determination of planning applications and appeals. The change of use was clearly done in the knowledge that planning permission was required; in fact, an application for the change of use of the land had been made, yet the development proceeded without permission having been granted.
40. In the circumstances, I attach some significant weight to the IUD undertaken which, given its extent and the degree of land clearance undertaken to facilitate the use, was little short of an act of environmental vandalism.
41. Paragraph 187(a) of the Framework highlights the importance of protecting and enhancing landscapes in a manner commensurate with their statutory status or identified quality in the development plan, whilst CS policy CSP 17 states that development proposals should provide for the enhancement of biodiversity. This is consistent with the Framework which states that planning decisions should provide net gains for biodiversity.
42. The Council is actively working on Biodiversity Net Gain (BNG) as part of its planning and development processes to enhance biodiversity within its area. Biodiversity Opportunity Areas (BOAs) are relevant to this strategy, although they are not a statutory designation or a constraint upon activities. Instead, they indicate areas where there are substantial opportunities to make positive changes for biodiversity. This site is a case point. Accordingly, BOAs and BNG are integral to the planning process and the assessment of proposals.
43. It is usually required that developers demonstrate how they would achieve a 10% BNG, yet I have not been provided with any detailed information to this end. Indeed, it is a legally binding requirement that can be enforced if not met.
44. At the Hearing, I took issue with the assertion, in the appellants' grounds of appeal, that the development results in a 130.78% net gain in hedgerow. BNG obviously has much wider considerations and the appellants have not addressed this matter. Harm to diversity and appropriate mitigation is also mentioned in the IPPS. However, although retrospective, the matter can be dealt with by way of a condition imposed on a grant of planning permission; at least insofar as some redress is possible.

45. As it stands, though, the development conflicts particularly with the aims and requirements of CS policies CSP 9 and CSP 17 and also the IPPS, and LP policy DP19, along with the said advice within the Framework.

Planning Balance

46. I have concluded that the Council has not, at this point, satisfactorily demonstrated that the degree of deliverability of sites for gypsy and traveller purposes is such as to amount to the availability of a five year supply. I must attach significant weight to this.
47. The situation, though, may change over time, especially with the preparation of the replacement local plan and site allocations being earmarked for such accommodation. I am, therefore, making my decision with regard to all material considerations including advice within paragraph 28 of the PPTS and paragraph 11d) of the Framework, where the Council cannot demonstrate a requisite five year supply for this use.
48. The Council has accepted the land is grey belt, and paragraph 155 of the Framework refers to forms of development which are not inappropriate in the green belt. These include where the development would utilise grey belt land, it would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, and there is a demonstrable unmet need for the type of development proposed.
49. I am also aware that there are young children of school age residing at the site, and am conscious that they require stability for their welfare rather than be subjected to a possible roadside existence.
50. Turning then to the Council's objections to the development, this is now limited to its visual impact on the surrounding area and the harm to biodiversity. As I mentioned, there are other caravan sites further along Green Lane which, I noted, are set back into their respective sites. In this regard a local resident mentioned at the Hearing that there are now seven travellers' sites in the immediate area, with three pending planning applications for such. One of these, though, might be the application pending for the appeal site itself.
51. In any event I have not been provided with firm details as to the other sites' planning status, in terms of whether they benefit from planning permission or are immune from enforcement action due to the passage of time. I have noted, though, that the IPPS mentions that there should be no over-concentration of gypsy and traveller sites in any one area. This might prove to be the case in the future and it should fall to the Council to make an assessment on this taking proper account of the wider planning position.
52. The considerations in favour of the appeal are sufficient to outweigh the harm on a time limited basis. Taking account of the site occupiers' personal needs, and the apparent current lack of any suitable alternative sites it is necessary to allow occupation of the site to continue for a sufficient time to allow the provision of alternative sites to be considered.
53. Weighing up the above points, along with the fact that measures of mitigation need to be taken to provide some redress to the IUD undertaken, and to soften and improve the appearance of the land by way of planting and landscaping - which can be achieved through addressing the requirements of a planning

condition - I have concluded that, given the circumstances, a temporary permission would be the most appropriate outcome here.

54. Taking into account the future adoption of a replacement development plan, and on the basis that the expected timeline of July 2028 is probably a little optimistic, I consider that a time limitation condition for four years should be imposed whereupon the appropriateness of the use of the land for gypsy and traveller purposes can be reassessed, should this prove necessary.
55. A wider and more complete picture as to deliverability will have been gained by July 2029, and the circumstances as a whole will have changed. I therefore find that granting a full planning permission at the current time would not be appropriate. Such an approach is consistent with advice contained within the government's planning practice guidance (PPG).

Conclusion and Conditions

56. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeals on grounds (f) and (g) do not therefore need to be considered.
57. Turning to conditions, I have considered those put forward and agreed by the main parties in accordance with the PPG. Twelve such conditions were agreed, but I have consolidated these, where necessary, and have discounted the suggested condition relating to the replacement of trees planted which have died or been damaged. This is not necessary given the current condition of the site and the fact that the planning permission being granted here is temporary.
58. I am imposing conditions which I consider to be both necessary and reasonable, and in accordance with the development plan as a whole. A time limitation condition is imposed for the reasons mentioned. It does not, of course, preclude the appellants from reapplying for planning permission prior to the expiry period.
59. Granting both a temporary and personal permission is in accordance with the law and pursues legitimate aims of protecting the environment and is proportionate to the situation, as is requiring for the use to cease and all buildings, structures and materials removed from the land when the premises cease to be occupied by those persons named or at the end of the temporary period granted.
60. Details of planting and landscaping should be submitted to the Council for assessment and written approval, as shall a Biodiversity Net Gain Plan to mitigate the impact of the site having been cleared of its features and vegetation, noting that the site lies within a designated BOA, and as an attempt to achieve a satisfactory standard of development. The relevant conditions' requirements are not onerous, given the above circumstances. Indeed, such an approach would be another material consideration if progress has been made here, should a new application be made at a future point for a continuation of the use prior to the expiry date.
61. In the interests of protecting the character and appearance of the surrounding area it is appropriate to limit the number of caravans on the site, provide details of a satisfactory site layout, prevent commercial activities, limit external

lighting, bin storage, surface water and foul drainage, and also the erection of further fencing gates or walls. In this connection, though, should the appellants wish to erect replacement fencing to that already erected, details of this should be provided to the Council.

Timothy C King

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alan Masters of Counsel
Brian Woods – Director, WS Planning & Architecture
Peter Brownjohn – Senior Planner, WS Planning & Architecture
John Harty - Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mark O'Brien – O'Reilly of Counsel
Clifford Thurlow – Tandridge District Council
Steve Jarman – Head of Traveller Assessment, Opinion Research Services Ltd

INTERESTED PARTIES

Jeannie Ryan
Jenny Thornton
Rachel Farrow
Chris Nickalls
Sarah Clements

SCHEDULE of CONDITIONS

1. The development hereby permitted shall be carried on only by Mr John Joseph Harty and Ms Elizabeth Connors and their resident dependents, and shall be for a limited period of 4 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
2. When the premises cease to be occupied those named on condition 1 above, or at the end of 4 years, whichever shall first occur, the use hereby permitted shall cease, and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed.
3. The use hereby permitted shall be limited to 1 pitch. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on that pitch of which only 1 caravan shall be a static caravan.
4. No vehicle over 3.5 tonnes and no other caravans than those permitted under condition 3 above shall be stationed, parked or stored on this site.
5. No commercial activities shall take place on the land, including the storage of materials, plant or equipment.
6. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of that use shall be removed within 3 months of the date of failure to meet any of the requirements set out in (i) to (iv) below:
 - i) Within 3 months of the date of this decision, or such other period as the Local Planning Authority may agree in writing, a scheme shall be submitted in writing to the Local Planning Authority for its written approval. The scheme shall include details of the following:
 - the internal layout of the site including the siting of static caravans, sheds;
 - areas of hardstanding;
 - vehicle parking and any charging points;
 - the means of foul and surface and surface water drainage of the site;
 - provision for the storage of waste and recyclables; and
 - a timetable for the implementation and retention of each element of the scheme.
 - any external lighting.
 - ii) Within 12 months of the date of this decision, the scheme referred to above shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuses to approve the scheme or fails to

- give a decision within the prescribed period, an appeal shall have been made to, and accepted 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 finally approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable and the approved scheme shall thereafter apply.
7. Within 3 months of the date of this decision:
- i) a scheme of hard and soft landscaping of the site shall be submitted for the approval of the Local Planning Authority in writing. The scheme shall include details setting out:
- Means of enclosure, being fencing, walls and gates;
 - Hedgerow planting;
 - The species, number and spacing of trees and shrubs;
 - Any earthworks and grassed areas;
 - A timetable for undertaking all of the proposed works of hard and soft landscaping.
- Details of soft landscaping works shall include all retained or proposed trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting specifications shall include details of species, plant sizes and proposed numbers/densities.
- All new hard and soft landscaping shall be undertaken in accordance with the approved scheme and timetable that forms part of the details required to be submitted and approved.
- ii) Within 12 months of the date of this decision, the scheme referred to above shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted 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 finally approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable and the approved scheme shall thereafter apply.
8. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the site without the grant of further specific planning permission from the Local Planning Authority or the details of means of enclosure approved under Condition 8 of this permission.

9. Within 6 months of the date of this decision a Biodiversity Net Gain Plan that details how an overall biodiversity net gain will be achieved shall be submitted to the Local Planning Authority for approval: The Biodiversity Net Gain Plan shall include the following;
- a) An assessment of the pre-development biodiversity value of the onsite habitat at the point development was commenced;
 - b) Details of the retention and creation of wildlife habitats on the site including steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,
 - c) Details of the location and design of species-specific enhancement measures and the purpose and conservation objectives for any measures;
 - d) The management and maintenance of the retained and created habitats for a period of 30 years from the date they are completed;
 - e) Monitoring of the retained and created habitats for a period of 30 years, including details of the frequency of monitoring;
 - f) The persons responsible for implementing, monitoring and maintaining the on-site Biodiversity Net Gain Plan; and
 - g) A timetable for implementation.

In the event it is reasonably demonstrated that a Biodiversity Net Gain cannot be achieved on site with the approved development in situ, then a scheme of offsite enhancement measures to provide biodiversity net gain shall be included in the Plan and secured. This may include:

- any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development, and any biodiversity credits purchased for the development. The Biodiversity Net Gain Plan shall then be implemented in accordance with the details approved.