



Appeal Decision

Hearing held on 10 September 2025

Site visit made on 10 September 2025

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2026

Appeal Ref: APP/M1710/W/25/3360682

The 7th Green, Forge Road, Kingsley GU35 9NZ

- 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 Donall O'Hartaigh against the decision of East Hampshire District Council.
 - The application Ref is 54919/008.
 - The development proposed is change of use of agricultural land to create a 3 pitch Traveller site comprising the siting of 3 static caravans and 3 touring caravans.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of agricultural land to create a 3 pitch Traveller site comprising the siting of 3 static caravans and 3 touring caravans at The 7th Green, Forge Road, Kingsley GU35 9NZ, in accordance with the application Ref 54919/008, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was submitted by the appellant against the Council but was subsequently withdrawn verbally during the hearing.
3. The Council submitted a costs application against the appellant in writing following the hearing. This application will be subject of a separate decision.

Preliminary Matters

4. The appellant submitted further evidence¹ on the opening of the hearing which covered matters including the disputed highways, flood risk and drainage issues. As such, the Council sought for time to consult its advisors, including the Environment Agency (EA), on these matters and provide its response in writing. Following consideration of the other main issues verbally, the hearing was adjourned to allow consideration of the highways and flood risk and drainage issues through the exchange of written submissions.
5. The parties agreed through the written submissions that the highways aspects were capable of being addressed by planning conditions.
6. In respect of flood risk and drainage matters, the Council's and EA's responses differed materially. The EA drew attention to its earlier comments but also an update in relation to the flood risk mapping which placed the site in a higher

¹ Hearing documents 1 – 4

flood risk zone than previously identified. This is a material change of circumstance to which the appellant responded with further information.

7. The further flood information was the subject of further consultation to avoid prejudice to any interested parties. The hearing was closed in writing on the 28 January 2026.

Main Issues

8. The main issues in the appeal are:
 - whether the location of the development would accord with local policies concerning development in the countryside;
 - the effects of the proposal on the character and appearance of the area;
 - whether the proposal, together with nearby Gypsy and Traveller sites, would dominate the settled community;
 - the effects of the proposal on the ecological interests of the site and surrounding area;
 - the need for and supply of Gypsy and Traveller sites; and
 - whether the development would be at risk of flooding, whether an increased risk of flooding elsewhere could be avoided and whether it would provide adequate means of drainage.

Reasons

Location of development

9. The appeal site is situated on the outskirts of the village of Kingsley outside the Kingsley settlement policy boundary. It is agreed in the Statement of Common Ground (SoCG) that the site lies within the countryside.
10. The village of Kingsley contains a modest number of facilities such as a public house and community centre, including a shop, café and children's nursery. Though these are at a distance of around 0.5km, the appeal site is connected to these facilities by footways.
11. During the hearing, the Council conceded that insofar as the location of the site is concerned, the appeal proposal complies with policy CP15 of the *East Hampshire District Joint Local Plan: Joint Core Strategy* (2014) (JCS). Amongst other things, policy CP15 seeks to ensure that Gypsy and Traveller proposals are located conveniently for access to schools, medical services and other community facilities. As the site is sufficiently connected to the village and outlying schools and medical services within the wider locale, I find no reason to disagree with the position that the location of the site would accord with JCS policy CP15.

Character and appearance

12. The proposal is to change the use of the site to a residential use for three Gypsy and Traveller pitches, each with provision for one static caravan and one touring caravan. The associated works to facilitate the change of use include the provision of hardsurfaced bases, soft landscaping and provision of drainage infrastructure.

13. The character of the surrounding area on this part of Forge Road is relatively rural but also transitional in nature. It is clearly not within the main built-up area of the village, but there are numerous scattered dwellings, equestrian development and commercial premises along Forge Road which extend away from the village centre before it transitions to a distinctly rural character some way to the west of the site.
14. I do not disagree with the Council that the provision of the hardstanding, boundary treatment and the sight of the caravans, whilst not an incongruous feature given the presence of numerous others nearby, would have an urbanising impact, reduce the openness of the site and would result in the solidification of the development creep in a westerly direction from the village. However, given the baseline context, this would be only a moderate degree of harm overall.
15. Whilst I note that the Council focusses on the linear form of the development, this would not be particularly obvious from partial views from the roadside or distant footpaths such that it changes my view that the proposal would be harmful, but not more than modestly so.
16. JCS policy CP15 (e) requires that Traveller proposals should be able to be adequately screened or landscaped to blend the site into its surroundings. The ability to introduce landscaping would also provide some minor amelioration of the identified character and visual effects. The existing tree screening would help to minimise the effects on the surroundings, but there would still be some degree of change. Any proposed infilling of the gaps in the boundaries would assist with further minimising the effects of the development. Consequently, the proposal would be modestly harmful to the character and appearance of the area, contrary to, in particular, policies CP19, CP20 and CP29 of the JCS. These Policies collectively seek to protect the character of the countryside and enhance local distinctiveness.

Balance of pitches to settled community

17. Policy C of the Planning Policy for Traveller Sites (PPTS) sets out that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.
18. Appendix 1 to the Council's Statement provided a map showing the current Gypsy and Traveller sites in the village and some sites which are subject of planning applications. These are broadly located to the south side of the village, and with the exception of Deans Field, comprise sites with small numbers of pitches overall. If looking at the macro level on the map at Appendix 1, the number of pitches is relatively high in comparison to the number of dwellings occupied by the settled community. However, the map cuts off the main settled area of the village which would account for a high number of additional dwellings occupied by the settled community, amply exceeding the number of pitches.
19. Nos 1 - 14 Dean Field comprise a group of residential dwellings to the west of which is a Traveller site of around 8 lawful pitches². The dwellings share part of the same access drive as the Traveller site but the Council considers that

² albeit intensified in use more recently without the benefit of planning permission

there is an acceptable relationship between them. The appeal proposals would result in an additional three Traveller pitches to the west of the aforementioned dwellings at a distance of around 40m which the Council suggest would effectively 'sandwich' the residential development between two separate Traveller sites.

20. My view is that there would still be a relatively balanced number of Traveller pitches to dwellings in the specific locality identified by the Council. The appeal proposal would have its own point of access via Forge Road meaning that the respective residents would not create any additional comings and goings on a shared point of access. The appeal site has a degree of separation of around 40 metres from the Deans Field dwellings and a boundary, which, where gappy, can be supplemented with additional landscaping. There would be no loss of privacy, direct overlooking or loss of light or outlook such that the development could be said to cause harms of the nature anticipated by JCS policy CP27.
21. As such, the three additional pitches proposed would not result in the cumulative number of Traveller pitches dominating the settled community in Kingsley and the proposal would not conflict with Policy C of the PPTS or policy CP27 of the JCS. The Council's reason for refusal on this issue also refers to JCS policies CP15 and CP29, though I do not find them to be particularly relevant to the scheme in relation to the balance between the respective communities or its overall design.

Ecological Effects

22. The application was supplemented during the later stages of its processing by a Preliminary Ecological Appraisal (PEA)³. The PEA identifies that the site has potential to support reptiles and Great Crested Newts (GCNs) and that further survey work should be undertaken to understand whether or not they are present. The Council's Ecologist also sought clarification in respect of the grassland value, reflecting the suboptimal timing of the site survey for the PEA, and whether or not a wetland on site was considered to constitute a priority habitat type or not.
23. Given the modest scale and nature of the development, three conditions have been suggested by the Council that would require submission of a Wildlife Mitigation Plan, a Biodiversity Enhancement Strategy and for a precautionary reasonable avoidance measures strategy relating to both GCNs and reptiles.
24. Subject to the suggested conditions, the development would avoid harm to the ecological interests of the site and would therefore comply with JCS policy CP21 which seeks to ensure wildlife enhancements are incorporated into the design to achieve a net gain in biodiversity and by ensuring that any adverse impacts are avoided or, if unavoidable, are appropriately mitigated.

Protected Sites

25. The PEA mistakenly indicates that the site is within 400 metres of the *Wealden Heaths Special Protection Area* (SPA), protected under the *Conservation of Habitats and Species Regulations 2017* (the Habitats Regulations). However, the parties agreed at the hearing that the site in fact falls within the 400m to 5km buffer of the SPA.

³ Arbtech, dated 17.01.2024

26. Increased recreational pressure from incoming residents of new residential development, in combination with other plans and projects, can have significant effects on the conservation objectives of the SPA. However, given the small scale of the appeal scheme combined with its distance from the SPA, it would not cause harm to the integrity of the SPA. Therefore, the appeal scheme meets the expectations of the Habitats Regulations and complies with policy CP22 of the JCS which seeks to ensure that development has no adverse effects on the ecological integrity of the SPA.

The need for, and availability of pitches for Gypsies and Travellers

27. The main parties agreed within the SoCG that there is an unmet need for Gypsy and Traveller pitches and that the Council is unable to demonstrate a 5 year supply of sites for Gypsies and Travellers against the requirement set out in the PPTS. The *Gypsy and Traveller Accommodation Assessment* (of July 2024) (GTAA) identified a need for a further 64 pitches and the Council can demonstrate no more than 2 years' worth of supply against this requirement. It was also highlighted in a decision put before me that the expansion of the definition of Gypsies and Travellers since the publication of the GTAA may have already had the effect of increasing the number of pitches needed, though to what extent is unclear.
28. Furthermore, the Council could not identify any available alternative sites which is also an aspect that, with the shortfall in the five year supply, carries significant weight in the overall balance.

Flood Risks

29. The National Planning Policy Framework (the Framework) sets out that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding and that following that, if necessary, the exception test should be applied. Annex 3 of the Framework places caravans, mobile homes and park homes intended for permanent residential use within the 'highly vulnerability' category in terms of flood risk. The Planning Practice Guidance (PPG) *Table 2: Flood risk vulnerability and flood zone 'incompatibility'* indicates that highly vulnerable development should not be permitted within Flood Zone 3a (FZ3a) or Flood Zone 3b (FZ3b). Only if the site were entirely within Flood Zone 2 (FZ2) would the sequential and exceptions tests need to be applied for the highly vulnerable form of development proposed.
30. The original Flood Risk Assessment (November 2023) outlined that the site was partly within FZ2 and partly within Flood Zone 1 and the Bakers Farm Ditch runs through the land to the south owned by the appellant. It was suggested that the FZ2 designation related to a historical incident of flooding, pre-1960, but that the area within FZ2 was not a part of a modelled, hydraulically connected floodplain.
31. By the time of the hearing, the national Flood Map for Planning had changed, to show that the site was covered partly by FZ2 and also FZ3. On the basis of the *East Hampshire District Council Level 1 Strategic Flood Risk Assessment* (SFRA), the absence of a modelled flood outline for the annual exceedance probability (AEP), means that the extent of FZ3a should be taken to be the functional floodplain, i.e. FZ3b. Therefore, placing much of the site within the FZ3b functional floodplain category. The appellant claims that this is a policy mechanism to provide a precautionary default where evidence is limited and is

not, in itself, a site-specific finding that the given site actually performs a flood storage or flood conveyance function in practice.

32. The Flood Map for Planning is informed by NaFRA2⁴ and level details derived from LiDAR data. The vertical accuracy of LiDAR data can vary between 150mm above or below the given levels. Appendix EA02 of the EA response of 30 January 2026⁵ presents LiDAR data along a 'potential flow route' with flood levels anticipated to be between 69.25 – 70.54m AOD. The appellant indicates that in the absence of a site-specific hydraulic model or designed flood levels, it is not possible to confirm that such a pathway would operate in reality.
33. The appellant does not provide a site-specific hydraulic model or defined designed flood levels to address this issue but has instead provided a site-specific topographical survey appended to its response of January 2026⁶. The appellant describes the topographical survey as showing a continuous ridge of higher ground along the southern boundary of the red line appeal site, separating it or 'interrupting connectivity' from the main floodplain associated with the Bakers Farm Ditch. In essence, whilst the offered evidence is not intended to constitute a formal challenge to the EA's flood map, it is alleged that the site does not perform a role as a functional floodplain due to the interrupted connectivity reflected in the topographical data.
34. In respect of the sequential test, the appellant's evidence highlights the common ground with the Council that there is no five year supply of sites and no presently available alternative sites. This is not evidence of a thorough search by either party but I accept that at the present time, it seems likely that the sequential test is passed by virtue of the combination of these factors and absence of cogent evidence to the contrary.
35. In terms of the exceptions test, it comprises two parts. The first part requires that the development will provide wider sustainability benefits to the community that outweigh flood risk; and the second part requires that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
36. Providing much needed pitches for the Gypsy and Traveller community in the context of an acknowledged shortfall and lack of presently available alternatives is a wider sustainability benefit. However, on the face of the evidence, I am not certain that granting permanent permission for the pitches is a sustainability benefit that outweighs the flood risks in light of the uncertainties that still remain as to the flood extents, depths and potential for increased flood risk elsewhere.
37. In terms of the demonstration that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, there are still some residual uncertainties. Whilst it is suggested that a continuous ridge is shown by the topographical data that interrupts the pathway between the river corridor and red line site area, I do not agree that this is as definable a feature as is suggested. The land appears to gently undulate so areas of lower land exist in similar areas to the supposed

⁴ National Flood Risk Assessment revised version March 2025

⁵ Hearing Document 5

⁶ Hearing document 11

ridge feature. As such, I do not have sufficient confidence that the topographical data definitively proves that the functional floodplain stops short of the appeal site.

38. The development proposed is small scale, low density and permeable in character without any fixed buildings. As such, there would be relatively few residents that would be exposed to the risk and fewer fixed features on the site that would dictate the flow route of any flood waters. The caravans would be raised at least 600mm above ground levels but caravans are more susceptible to being taken or damaged by flood waters, particularly in the absence of any flood-resilient ground anchors. It is clear that hardstanding is proposed on the access road and for the area beneath the caravans and the extent of any potential increase in flood risks associated with such are not clear either.
39. It does appear that a largely dry safe access and egress could be achieved via the site access, away from the river corridor towards higher ground. Given that the site would be small scale and occupied by a single family group, it is likely that they would be sufficiently aware of flood risks and capable of adhering to any emergency evacuation procedure put in place for the site.
40. Taking account of all of the above factors, I am not satisfied that a highly vulnerable development should be permitted on a permanent basis within land which cannot be ruled out as forming a part of the functional floodplain and I am not persuaded that the development passes both parts of the exceptions test in any event. My view is that a more detailed flood model would not be disproportionate if the appeal scheme were proposed as a permanent feature of this area of elevated flood risk given the vulnerability of the intended users.
41. For the above reasons, the appeal proposal conflicts with JCS policy CS25 and with the Framework⁷ insofar as they seek to avoid locating development in areas at risk of flooding and where development is necessary in such areas, should be made safe for its lifetime without increasing flood risk elsewhere.

Drainage

42. On receipt of the Drainage Addendum Note⁸ which included the 45% climate change event calculations, the Council's Drainage Officer confirmed that the outstanding information had been provided to allow for removal of their objection. It was highlighted that the appellant would need to obtain approval from the Local Lead Flood Authority (LLFA) to discharge surface water to the existing ditch and that such could be secured by way of planning condition.
43. In terms of foul drainage, the drainage scheme appears to show a package treatment plant with an outfall to the same ditch and with a non-return valve to prevent the backflow of sewage during any flood events. The Drainage Officer acknowledged that the inclusion of a sample chamber within the scheme had overcome the objections they initially raised.
44. I find no reason to reach an alternative conclusion to the Council's Drainage Officer and have noted the suggested condition that requires details of a scheme for foul and surface water drainage has been submitted to and approved in writing prior to commencement of the development and separate condition relating to approval from the LLFA for the outfalls to the ditch.

⁷ Paragraph 170

⁸ Hearing Document 2

45. As such, on the basis that these aspects could be remedied by way of planning conditions, the proposal would provide adequate means of drainage so as to comply with policy CP25 of the JCS which, seeks to prevent a net increase in surface water run off and ensure that new site drainage systems are designed taking account of events which exceed the normal design standard.

Personal Circumstances

46. At the time of the appeal application, there was little about the appellant and his family on which the Council could base any assessment of their personal circumstances. The appellant's Statement also failed to provide much more than the scant detail previously provided.
47. Details of the personal circumstances were provided by the appellant himself at the hearing. It was outlined that he, his wife, two teenage children (aged 15 and 18) and unborn child have been living a roadside existence of late and have nowhere else of their own to call home. Other than the expectant mother, there are no particular health concerns of relevance to the family. Due to the ages of the teenage children, only one is a child for the purposes of considering the best interests of the children, and the unborn child should be considered under the same principles. The oldest teenage child is technically an adult, which is reflected in the proposal for 3 pitches, anticipating that they will soon wish to form their own household on an adjacent pitch, as would also be the case when the other child comes of age. The unborn child would benefit from a settled base from which to access any necessary health and social wellbeing appointments in their formative early years.
48. I have taken the family's circumstances into account and do not consider that by so doing, I have caused any prejudice to the Council. There would be obvious benefits from the scheme by allowing the family a permanent, settled base from which to simplify access facilities and services, including medical care. Allowing the family to occupy the site as a wider family group also facilitates the Gypsy and Traveller way of life and would reduce the need for long-distance travelling and possible environmental damage caused by unauthorised encampments. Conversely, refusing permission would prolong the family's roadside existence and uncertainty about their accommodation arrangements.

Other considerations

Representations

49. I have taken account of the views of the Parish Council and another local resident which I have largely addressed under the main issues above. The other concerns in respect of waste collection could be addressed by way of condition and the adequacy of the pitches for the future occupiers is not a concern I share, given the size of the pitches and surrounding area which would be used for residential purposes.

Emerging Policy

50. The Council's *Draft East Hampshire Local Plan (2021-2040)* (eEHLP) was published under Regulation 18 for consultation purposes in early 2024. Whilst the early stage of production of the eEHLP means that very limited weight should be attributed to it, it may be capable of addressing the shortfall in supply of Gypsy and Traveller sites through positively prepared allocations. It is

unlikely to do so in the short-term, but its intended adoption in the year 2027 means that a possible policy solution is not a significant way off.

Planning balance

51. Paragraph 28 of the PPTS states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable pitches, the provisions of paragraph 11(d) of the Framework apply. However, where there are areas protected by specific policies of the Framework, such as areas at risk of flooding, these can provide a strong reason for refusal.
52. In this case, the nature of the flood risks and the high vulnerability of the intended users of the site provide a strong reason for refusal. As such, the presumption in favour of sustainable development does not apply.
53. Taking account of the various harms, the appeal scheme conflicts with the development plan when taken as a whole. The benefits of the scheme and the other considerations advanced in favour of the appellant do not clearly outweigh the harm such as to indicate that a decision should be taken other than in accordance with the development plan.

Temporary Permission

54. I have given consideration to the imposition of a condition limiting the use of the site to a temporary duration. This would have the effect of limiting the harm to the character and appearance of the area to a temporary duration and minimising the length of time that future residents are exposed to the risk of flooding, providing time for both more suitable alternatives to be considered by both the appellant and the Council through its eEHLP policy formulation process.
55. The situation faced by the appellant and his family to continue a roadside existence or to occupy a site at risk of flooding, at least temporarily, is a dire choice. Electing to be exposed to flood events, along with vulnerable family members, and potentially having to evacuate the site to resort back to the roadside until the abatement of flood waters is unlikely to be a choice willingly made. However, that appears to be the only presently available option to provide a settled base and relief from the greater uncertainty of a roadside existence.
56. Given the intended adoption of the Council's eEHLP within the year 2027, the range of options for locating Gypsy and Traveller sites may expand in the near future. Thus, even permitting for slippage of the timetable, a three year period would be a reasonable timeframe for a temporary permission. This would also provide some stability to the family over a period of imminent change with the expected arrival of another child.
57. The associated development to create areas of hardstanding and implement adequate drainage solutions would still be necessary for the site to function, even on a temporary basis. A scheme of landscaping of the site would likely be less comprehensive for a temporary permission, but it would not be unreasonable to impose a condition requiring such to secure at least modest improvements to gaps within the vegetated boundaries which could grow up relatively quickly.

58. For the reasons outlined above, granting permission on a temporary basis reduces the weight to the harms principally arising from the flood risks and effects on the character and appearance of the area. Consequently, the overall balance tips in favour of a grant of permission other than in full accordance with the development plan, albeit on a temporary basis.
59. The applicant and his family have the protected characteristic of race under s149(7) of the Equality Act 2010. In such circumstances, s149(1) of the Equality Act requires due regard to be had to the need to, amongst other things, advance equality of opportunity between persons who share a relevant characteristic and persons who do not. This includes minimising disadvantages that are connected to that characteristic, such as access to suitable accommodation. This is the Public Sector Equality Duty. I have also had regard to Article 8 of the European Convention on Human Rights set out in UK law within Schedule 1 of the Human Rights Act 1998, which is the right for respect for private and family life. In this case, a grant of temporary rather than permanent planning permission is in the public interest and cannot be achieved by means less interfering.

Conditions

60. In the interests of certainty, conditions are needed to require the implementation of the permission and adherence to the approved plans.
61. As the personal circumstances of the appellant and his family have influenced my decision, it is necessary to condition that only they should occupy the site. For similar reasons, a condition is needed to require that the site shall only be occupied by Gypsies and Travellers so defined. It is also necessary to condition the cessation of the use of land and removal of all associated development at the end of the three year duration of the permission.
62. The other conditions agreed between the Council and appellant include the agreement that the other vehicular and pedestrian points shall be blocked off; a construction logistics plan; provision of parking; the permeable type of hard surfacing materials and details about refuse storage and collection measures. I find no reason to conclude other than that these conditions are necessary, even taking account of the temporary duration for which permission would be granted.
63. Conditions in respect of the drainage scheme are necessary, as is permission from the LLFA for discharge to the ditch. Furthermore, flood risk resilience measures are required to ensure that the occupiers are as safe as possible and to minimise the increased risk of flooding elsewhere for the duration of the permission.
64. Conditions requiring the precautionary approach to development of the site are necessary, as too are the implementation of measures to protect and enhance habitats and species on the site.
65. A scheme of landscaping would still be required by way of planning condition in the interests of mitigating the effects of the development on the character and appearance of the area. This would cover the details of any hard and soft landscaping.

66. In the interests of certainty, it is also necessary to specify the number and types of caravans that are permitted to be on site and that no large commercial vehicles or external storage of materials is permissible.

Conclusion

67. For the reasons given above, the appeal should be allowed.

H Nicholls

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Marc Willers	Counsel for the appellant
Mr Peter Brownjohn	WS Planning
Mr Donall O'Hartaigh	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Ms Summer Sharpe	Senior Planning Officer
Ms Katherine Pang	Principal Planning Officer

DOCUMENTS SUBMITTED:

Document 1	Doc Ref N03 Response to Highway Comments
Document 2	Drainage Addendum Note
Document 3	Appeal decision reference APP/M1710/W/24/3356693
Document 4	Appeal decision references APP/M1710/C/24/3347356, 3347357 and 3352249 (linked)
Document 5	Appellant email in relation to suggested PPTS condition
Document 6	Council response in relation to suggested PPTS condition
Document 7	Council addendum statement, incorporating costs claim and appendices
Document 8	Appellant costs response
Document 9	Agreed list of suggested planning conditions - addendum
Document 10	Environment Agency response with appendices, dated 5.11.2025
Document 11	Flood Risk Assessment Addendum, dated 07.01.2026
Document 12	Email from Council dated 23 January 2026
Document 13	Further Environment Agency response with appendices, dated 30 January 2026
Document 14	Final comments from appellant dated February 2026

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall start no later than three years from the date of this decision.
2. The development hereby permitted shall be implemented in accordance with the following plans numbered:
 - Site Location Plan J004620-CD-01
 - As Existing Block Plan J004620-CD-02
 - As Existing Site Plan J004620-CD-03
 - As Proposed Block Plan J004620-CD-04
 - As Proposed Site Plan J004620-CD-05
 - N03 – Response to Highways Comments
 - Drainage Addendum Note: Land at the 7th Green, Forge Road, Kingsley
3. The residential use of the site hereby permitted shall be carried out only by the following persons and their resident dependents – Donall O’Hartaigh, Elizabeth O’Hartaigh, Miley O’Hartaigh and Danny O’Hartaigh. If the site is not occupied by these persons within 2 years of the date of this decision, or when the site ceases to be occupied by these persons, the use hereby permitted shall cease and the land restored to its condition before the development took place.
4. The caravans and their associated access and parking areas shall be removed, the residential use shall cease and the land returned to a condition to be agreed in writing by the Local Planning Authority, on or before three years beginning with the date of this decision.
5. Prior to the commencement of any development on site, a detailed plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highways Authority, showing how all vehicular and pedestrian access points to the east of the site will be permanently blocked off. The plan shall include:
 - Details of fencing, vegetation, or other barriers to prevent access;
 - A timetable for implementation; and
 - Evidence, to be submitted within 3 months of the commencement of development, demonstrating that the eastern access points have been removed and are no longer in use.

The approved measures shall be implemented in full in accordance with the agreed timetable and retained thereafter.

6. No development shall commence, including demolition and site clearance works, until a Construction Logistics Plan (CLP), to include details of:
 - loading and unloading of plant and materials;
 - storage of plant and materials;
 - programme of works (including measures for traffic management);
 - provision of boundary hoarding, behind any visibility zones of construction traffic routing;
 - hours of operation;
 - means of delivering the Static Caravans to be occupied on the site, to include tracking plans as may be necessary,
 - means to prevent deposition of mud on the highway

has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highways Authority. The development shall be constructed in accordance with the approved CLP.

7. The development hereby approved shall not be occupied until a scheme for the storage and collection of refuse has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an allocated area for roadside refuse collection such that refuse operators are not required to access the site and shall detail locations within the development for storage of refuse on "non-collection" days.
8. No development shall commence on site until details of a scheme for foul and surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. Such details shall include:
 - a) The 45% climate change event calculations;
 - b) Discharge of surface water into adjacent ditch;
 - c) Sample chamber in the foul drainage system;
 - d) Provision for all surface water drainage from areas of hardstanding to prevent surface water from discharging onto the highway.

These details should be based on site investigation and percolation tests. The development shall then be carried out in accordance with the approved scheme before any part of the development is first occupied and shall be retained thereafter.

9. Prior to commencement of any development on site, confirmation from the Local Lead Flood Authority, that they are agreeable to discharge from the site into the existing ditch, shall be submitted to the Local Planning Authority.
10. The development shall be carried out in accordance with the submitted flood risk assessment compiled by Flume Consulting Engineers, referenced 1404, and dated November 2023 and the following mitigation measures it details:
 - The mobile home pitches will be constructed on raised platforms. These will be designed to elevate the structures above the anticipated 490mm flood depth, effectively protecting the homes from flood ingress;
 - Hard standing areas within the development will employ permeable paving solutions to enhance water infiltration and reduce surface water runoff;
 - The construction of the mobile homes and any outbuildings will utilise flood-resistant materials to reduce potential damage in the event of water ingress;
 - Residents will be provided with guidelines on preparing a flood emergency kit. This kit will contain essential items needed in the event of an evacuation, reinforcing their preparedness for flood scenarios;
 - Non-return valves will be installed on all water waste pipes connected to the mobile homes to prevent the backflow of sewage during flooding;
 - The development will feature early warning systems and clear signage to inform residents of the need to evacuate when water levels rise.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

11. Occupation of the development hereby approved shall be carried out in accordance with the Flood Response Plan detailed within the submitted flood risk assessment compiled by Flume Consulting Engineers, referenced 1404, and dated November 2023.
12. The proposed hard surface/s shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site.
13. No development shall take place until a precautionary reasonable avoidance measures strategy (RAMS) for great crested newts and reptiles, which will have been prepared by a suitably qualified ecologist, has been submitted to and approved by the Local Planning authority. The RAMS shall include as a minimum:
 - A risk assessment of potentially damaging construction-type activities;
 - Full details of practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including action to be taken if any protected species are found during construction works;
 - The location and timing of sensitive works to avoid harm to biodiversity features;
 - Use of protective fences, exclusion barriers and warning signs;
 - Details of site induction information and tool box talks for all relevant onsite working practices. Protocols to demonstrate that the site work force will be briefed about potential ecological issues on the site prior to commencement of construction shall be provided;
 - Details of personnel responsible for over-seeing the implementation of measures detailed in the RAMS; and
 - Timings for implementation.

The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the approved RAMS.

14. No development hereby permitted shall commence on site, including site clearance works, until a Biodiversity Enhancement Strategy (BES) has been submitted to and approved in writing by the Local Planning Authority. The BES shall include and have regard to:
 - the aims and objectives of management and works to ensure compliance with the Preliminary Ecology Appraisal dated 17 January 2024;
 - details of the body responsible for the implementation of the BES;
 - details of the on-going monitoring and remedial measures;
 - specification and work programme for all works;
 - details of site maintenance including establishment, maintenance and replacement planting for a period of five years;
 - an ecology mitigation area in the south of the site (being that land edged Blue on Drawing J004620-DD-01) that will have been designed to offer suitable habitat to retain reptiles and amphibians within the site, namely an enhanced ephemeral water-body, 4no. log piles, 1no. hibernaculum and the creation and maintenance of a tussocky grass sward, subject to exclusion from any Equestrian/Agricultural grazing.

The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the approved BAS.

15.No development, including any demolition works, soil moving, temporary access construction/widening, or storage of materials, shall commence until a Wildlife Protection and Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following:

- details of the timing/ecological watching brief/felling procedures required to address the protection of tree/woodland habitats, Spear-leaved Willowherb *Epilobium lanceolatum* (if present on site), badgers, hedgehogs, bats and breeding birds before and during works.

No development or other operations shall take place other than in complete accordance with the approved Wildlife Protection and Mitigation plan.

16.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, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such, in accordance with Planning Policy for Traveller Sites or replacement planning policy or guidance.

17.Prior to first occupation of the development hereby permitted, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all hard and soft landscaping (including boundary treatments, planting specification, wildlife friendly lighting) and shall provide details of timings for all landscaping and any future maintenance. The works shall be carried out in accordance with the approved plans and to the appropriate British Standard and maintained thereafter.

18.Prior to first occupation of the development hereby permitted, provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

19.No more than 6 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 3 shall be static caravans (for human habitation)) shall be stationed on the site at any time.

20.No commercial activities shall take place on the land, including the external storage of materials, and no vehicles over 3.5 tonnes shall be stationed, parked or stored on the site.

ENDS-----