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## Appeal Decision

Hearing held on 4 February 2026

Site visit made on 4 February 2026

**by Jane Smith MA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

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### **Appeal Ref: APP/Z1510/W/25/3373055**

### **Land at Plaistow Green Acres (AKA Land at Ayletts Farm), Plaistow Green Road, Greenstead Green, Essex CO9 1QA**

- 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 Daniel Kennedy against the decision of Braintree District Council.
  - The application Ref is 25/00897/FUL.
  - The development proposed is Change of use of land to include 4no. Traveller pitches and erection of stable block and manege (D2) 32m x 30m.
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### **Decision**

1. The appeal is allowed and planning permission is granted for change of use of land to include 4no. Traveller pitches and erection of stable block and manege (D2) 32m x 30m at Land at Plaistow Green Acres (AKA Land at Ayletts Farm), Plaistow Green Road, Greenstead Green, Essex CO9 1QA in accordance with the terms of the application, Ref 25/00897/FUL subject to the conditions in the attached schedule.

### **Preliminary Matters**

2. The planning application described the development as 'Change of use of land to include 4no. Traveller pitches'. However, with the agreement of both main parties, in the banner heading and decision above, I have used the description on the Council's decision notice. As that also includes the proposed stables and manege, it more accurately describes the full extent of the development for which planning permission is sought. I have also used the current site address, as given in the Statement of Common Ground (SoCG), with the parties' agreement.
3. At the time of my site visit, there were several occupied mobile homes on the site, as well as freshly laid hardstanding and boundary treatments including new planting and post and rail fencing. Although the mobile homes were in the general area indicated on the plans, the layout was different and the proposed stables and manege had not been implemented. Nevertheless, as use of the site for four Traveller pitches has commenced, I am considering the appeal in part retrospectively. I have referred at times in my decision to the effects it is having but, for the avoidance of doubt, I have considered the appeal based on the application drawings.
4. I have taken into account the signed SoCG provided shortly before the hearing, along with clarifications from the parties of the documents and drawings which had been considered by the Council at the time of the application. Ahead of the

hearing, a Reference Sheet and a series of 'Confidential Annexes' were also provided by the appellant, in support of the statement of personal circumstances dated October 2025. These include special category personal data and were not included in the published appeal documents for that reason<sup>1</sup>. However, the Council was provided with an advance copy to assist with their preparation for the hearing, and copies were available at the event for reference by interested parties if needed. Therefore, this evidence has not been treated as confidential, and I have taken the contents into account.

5. At the hearing, an interested party referred to his written statement which had apparently been provided with the appeal but inadvertently excluded from the appeal documents at an early stage in the process. The contents are relevant to the appeal and were not fully covered in the other evidence before me. Copies were made available to all parties at the hearing, and they were given an opportunity to review the contents and comment. I have taken the statement into account and am satisfied that no unfairness arises to any party as a result.
6. The hearing was adjourned on 4 February, so that I could seek the views of the parties on a revised draft schedule of conditions, drawing on the discussion at the event. Having received and reviewed both parties' additional written comments on the conditions, I closed the hearing in writing on 17 February 2026.

## **Main Issues**

7. The main issues in this appeal are:
  - the effect of the development on the significance of the nearby Grade II listed buildings: Aylett's Farmhouse, Granary/Maltings 10 metres west of Aylett's Farmhouse and attached wall, and Barn 30 metres southwest of Aylett's Farmhouse, and
  - whether any harm would be outweighed by other considerations.

## **Reasons**

### *Listed Buildings*

8. The appeal site is a formerly undeveloped parcel of land, to one side of a private access drive, in the approach to the farmhouse and former farm buildings at Aylett's Farm. In the wider area, there are several more grass paddocks and a patchwork of small fields and pockets of woodland. Although there are also some scattered dwellings, the area has a clearly rural character.
9. All three listed buildings lie just to the northeast, off the same access drive, forming a farmstead around two small yards. Aylett's Farmhouse dates to around 1600, with early 19<sup>th</sup> century and more recent alterations. It is at the edge of the northern yard, with its principal elevation facing away from the other buildings, with a panoramic outlook over open land. Next to the farmhouse is the early 19<sup>th</sup> century granary. Although it has also undergone some alteration, it was described by both parties as a remarkably intact example of a granary of that period. The listed barn stands south of the farmhouse and granary, separating the two yards and is a traditional timber-framed barn with weatherboarded and pantiled exterior.

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<sup>1</sup> In accordance with Article 9(1) of the UK General Data Protection Regulation

According to the statutory list, the barn has late 16<sup>th</sup> century origins, with later alterations, and is included for group value.

10. A range of single storey buildings around the barn completes the two small yards. These have a traditional form and appearance and typically agricultural character. However, in reality, they include modern buildings dating from the 1990s, erected on the footprint of previous buildings, some of which now accommodate small business uses. The listed barn was also extensively reconstructed around the same time.
11. While there are three, independently listed buildings of different historic status and function, for the purposes of this appeal the relevant aspects of their significance are similar. Both individually and as a group, they offer evidence of vernacular architecture and evolving agricultural practices, likely to have included malting of barley for beer production, at a farmstead dating to around the 16<sup>th</sup> century. The replacement buildings and rebuilt barn continue to enable the vernacular architecture and layout of that farmstead to be appreciated, despite the degree of reconstruction.
12. From Plaistow Green Road, the listed buildings are visible in a cluster, beyond gently undulating grassy paddocks. They appear relatively isolated, being set back from the lane and encircled by open land. The more detailed layout of the farmstead is gradually revealed in the approach along the access drive, which is still in its historic position, with open land to either side. These features of the setting around the listed buildings contribute to an understanding of their significance, by offering evidence of the historic relationship between the farmstead and associated agricultural land and allowing the aesthetic value of the buildings to be appreciated in that context, with relatively little distraction.
13. The four pitches would be at the far end of the appeal site, where they would not physically obstruct views of the listed buildings. However, the open land around the listed buildings has already been materially eroded by the introduction of mobile homes and associated paraphernalia within that area. These can be clearly seen from Plaistow Green Road, making the farmstead appear less isolated. The mobile homes also draw the eye from the access drive, diverting attention from the evolving view of the farmstead buildings.
14. There is no physical encroachment into the generally inward-looking farmyards, but the development does intrude into outward views from them, which further erodes the sense of connection with open land. It also erodes the strikingly uninterrupted, open setting around the farmhouse and granary, which could otherwise be appreciated from land to the north.
15. Notwithstanding their relatively modest scale and number, the materials and detailing of modern mobile homes and caravans is in sharp contrast with the mellow, traditional appearance of the listed buildings and replacement farmstead buildings. While caravans, including those associated with Gypsy and Traveller development, may not be inherently alien features in the countryside, in the particular circumstances of this site, they are intrusive and appear incongruous.
16. Soft landscaping is proposed, including tree and hedge planting, which would filter relevant views. More appropriate surface materials would be introduced. Those measures would help to integrate the development into the rural landscape, but it would be neither feasible nor desirable for the site to be screened so heavily as to

create a sense of exclusion. As such, even with the benefit of a suitable landscaping scheme, the encroachment of development and erosion of open land would be readily apparent.

17. The planning history evidence provided does not clearly account for all the uses mentioned as currently taking place around the listed buildings. Nevertheless, there are permitted non-agricultural uses within some of the farmstead buildings, with associated activity around the buildings and along the access drive. Within that context, the additional comings and goings likely to be associated with the four pitches would not be materially harmful in itself, and conditions could be used to control external lighting and the number of caravans.
18. The stables would be of modest scale and similar to those previously permitted in 2022 but not implemented. The manege would be open in character. Therefore, the equestrian elements of the development would be significantly less intrusive than the mobile homes and would not erode the open land or draw the eye to the same extent. The Council did not allege any harm arising from the proposed stables and manege and, having considered the evidence before me, I concur that the equestrian element of the development, in itself, would not be harmful to the significance of the listed buildings.
19. Nevertheless, for the reasons given above, I conclude that the development as a whole has a limited harmful effect on the significance of the nearby Grade II listed buildings. Their settings would not be preserved. That brings the development into conflict with relevant requirements in Policy SP7 of the Section 1 Local Plan<sup>2</sup> and Policies LPP47, LPP52 and LPP57 of the Section 2 Local Plan<sup>3</sup>. Amongst other things, those policies require that development protects, conserves and enhances features and assets of historic value, supporting the Council in seeking to preserve and enhance the settings of designated heritage assets by appropriate control over the development and use of adjoining land.
20. Policy LPP57 also requires that development affecting designated heritage assets should meet the tests set out in national policy. The extent to which this development is compliant with those tests, and that aspect of Policy LPP57, is considered further in the heritage balance below.

### *Other Considerations*

#### *Need and Supply Considerations:*

21. The Section 2 Local Plan was adopted in 2022, based on evidence in a Gypsy Traveller Accommodation Assessment (GTAA) which has now been superseded. Consequently, the level of need underpinning Policy LPP34 does not reflect either the Council's current GTAA dating from 2024, or changes which have been made to the planning definition of Gypsies and Travellers in the Planning Policy for Traveller Sites (PPTS) following adoption of the Local Plan.
22. Nevertheless, although no site allocations were made in the Section 2 Local Plan, based on the evidence base at that time, Policy LPP34 does include the expectation that Gypsy and Traveller pitches will be provided at strategic growth locations. The policy wording details evidence of housing requirements for Gypsies and Travellers who had been excluded from the planning definition in the 2015

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<sup>2</sup> Braintree District Local Plan 2013-2033: North Essex Authorities' Shared Strategic Section 1 Plan, adopted 2021

<sup>3</sup> Braintree District Local Plan 2013-2033 Section 2, adopted 2022

PPTS, and the supporting text recognises that provision should be made for them. There are criteria for the assessment of windfall sites, and the policy confirms that additional proposals may be considered through the planning application process if additional need is identified in future.

23. A local plan review is underway and at the time of the hearing the Council had just agreed to proceed to a Regulation 18<sup>4</sup> consultation. Therefore, while the emerging Local Plan is currently at an early stage, so is unlikely to generate any new plan-led delivery for some time, the evidence indicates that the Council is moving forward with review of the 2022 Local Plan without undue delay. While it is apparent that the timing of changes in national policy has impacted both the Council's evidence base and the plan-led approach, it appears that the Council is engaging with the implications of those changes. Therefore, the evidence before me does not demonstrate any ongoing failure of policy which would weigh in favour of the development.
24. Nevertheless, at the time of determining this appeal, the Council accepts that it is unable to demonstrate a five-year supply of Gypsy and Traveller sites. An unmet need is also acknowledged and, while the parties differ as to the precise figure, there is no dispute that the scale of unmet need could fairly be described as significant. The provision of four additional pitches would make a meaningful contribution towards addressing that unmet need.

*Equalities and Human Rights Considerations:*

25. There is no dispute that the appellant and the other current occupiers are Irish Travellers. As such, they share the protected characteristic of race for purposes of the Public Sector Equality Duty set out in s149 of the Equality Act 2010. I have accordingly had due regard to the aims of eliminating discrimination, advancing equality of opportunity, and fostering good relations between persons who share a relevant protected characteristic and those who do not.
26. I have also had regard to the rights of the appellants under Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998. Article 8 affords the right to respect for private and family life and home, including the traditions and culture associated with the Traveller way of life. Where the Article 8 rights are those of children, they must be seen in the context of Article 3 of the United Nations Convention on the Rights of the Child, which requires a child's best interests to be a primary consideration. These rights are engaged in reaching my decision and I have kept these interests at the forefront of my mind. Nevertheless, they are qualified rights, and interference may be justified where that is in the public interest. The concept of proportionality is applicable.
27. No alternative or available pitches have been identified by either party, so while the location of the site next to the listed buildings is clearly not ideal, given the harm arising, there is no evidence of any realistic alternative available to the occupiers. Should the development not be approved, they may be obliged to resort to a roadside existence. The risk of homelessness for the occupiers, who include children, therefore weighs in favour of the development. In the absence of alternative sites, the development would also help to reduce the likelihood of unauthorised encampments and tensions between settled and Traveller communities, which are among the aims articulated in paragraph 4 of the PPTS.

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<sup>4</sup> Reg 18, The Town and Country Planning (Local Planning) (England) Regulations 2012

28. Provision of a settled base for Gypsy and Traveller households supports equality of opportunity, in terms of their access to education, health, welfare and employment infrastructure. Where children are concerned, their best interests are served by having such a base, along with family members, from which they can benefit from consistent access to education and healthcare, as well as a safe and secure home environment. The Council did not allege that the site is unsuitably located, either in principle or in terms of the accessibility of essential services and facilities, so it supports those opportunities and interests.
29. Evidence has been provided that several of the current occupiers would particularly benefit from consistent and ongoing access to medical services, due to a range of health needs. The supporting evidence includes confirmation that the families are registered with a local GP and engaging with relevant health services. The children would also benefit from having a stable address from which to attend school. That would be of particular benefit to the youngest children, who would gain the opportunity to attend school from an early age.
30. There are expressions of support from interested parties, indicating that the occupiers have integrated well into the local community. As such, there is evidence that good relations have been fostered with the local settled community and that the development would enable those established relationships to be maintained. The occupiers are also described as undertaking work locally, providing evidence of a modest positive contribution to the local economy.

*Other Benefits:*

31. The site would provide a spacious living environment, including outdoor amenity space to support healthy lifestyles. The equestrian elements of the development would support the traditional Traveller way of life, by enabling horses to be kept conveniently close to the residential pitches. As well as the work being undertaken by the occupiers locally, there may also be some minor economic benefit from construction of the stables and manege. Since the development is retrospective, it is exempt from the mandatory 10% minimum biodiversity net gain (BNG). Nevertheless, BNG is proposed, which could be secured by condition and would deliver a net gain of over 20% based on the metric provided.

*Intentional Unauthorised Development:*

32. A 2015 Written Ministerial Statement (WMS) establishes that intentional unauthorised development is a material consideration in the determination of planning applications and appeals. There is no dispute that the development to date is unauthorised or that the occupiers were aware planning permission should be sought. However, while some mobile homes are present and occupied, the residential pitches have not yet been laid out in their final proposed form, and the proposed stables and manege have not been implemented. As such, some significant elements of the proposed development have been delayed pending consideration of the planning application and this appeal.
33. There is provision within the planning system for development to be considered retrospectively. The proposed landscaping would remove and mitigate less sympathetic aspects of the unauthorised development, including the extensive hardstanding. For different reasons, both parties at the hearing suggested that the unauthorised nature of the development should be given limited weight and I concur with that position.

## Heritage and Planning Balance

34. The Council's heritage adviser concluded that the harm to the significance of the listed buildings is at the lower end of the less than substantial category. Taking into account the degree of separation between the listed buildings and the pitches, and the proposed soft landscaping, I concur with that assessment. Nevertheless, I have attached considerable importance and weight to the desirability of avoiding such harm, in accordance with the statutory duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
35. Paragraph 212 of the Framework likewise requires that great weight is given to conservation of designated heritage assets, including where the level of harm to their significance is less than substantial. Paragraph 215 goes on to state that where development would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the development.
36. In the context of the unmet need and supply shortfall, the public benefit associated with four additional Traveller pitches is significant in itself. It is not limited to the numerical contribution to the Council's supply but also encompasses the wider societal benefits of providing universal access to education, health and welfare services, by providing a settled base from which Travellers can access and engage with those services. There are additional public benefits associated with the reduced risk of unauthorised encampments, as well as the good quality living environment available on the site and the provision of BNG.
37. These general benefits, including the lack of supply, go a long way towards outweighing the harm but would not, to my mind, be of sufficient force in themselves. However, that balance changes when the personal circumstances of the occupiers are also considered. The local connections which they have established, including those which support specific health needs, the lack of alternative sites and the implications of a refusal, particularly for the children, all add weight in favour of the development. While these factors have a personal dimension, there is public benefit in the whole population receiving effective education and healthcare, and having a stable home environment, as well as in fostering good relationships between Traveller and settled communities.
38. In my judgement, when considered collectively, taking into the account the personal circumstances of the occupiers, the public benefits of the development carry very considerable weight. While I have given great weight to the conservation of the designated heritage assets, and the desirability of preserving their setting and significance, in the circumstances of this particular case, the less than substantial harm is outweighed by the public benefits of the development.
39. It would be appropriate for occupation of the site to be restricted to the current occupiers and their dependents, since their personal circumstances are decisive in the heritage balance. That would also allow for the factors in favour of the development to be revisited in future, should occupation of the site change.
40. I have also considered whether a temporary planning permission would be appropriate, bearing in mind that would mean that the harm to the setting and significance of the listed buildings was more clearly reversible. However, that would introduce greater uncertainty for the occupiers, undermining the benefits which derive from their having established a settled base in the area, and there is

limited specific evidence that circumstances will have changed to a material degree at the end of a temporary period. If granted on a personal basis, the heritage balance falls convincingly in favour of the development, and a temporary period is not necessary to make it acceptable.

41. That being so, while there is conflict with some aspects of the development plan policies previously identified, the development accords with the requirement in Policy LPP57 that development affecting designated heritage assets meets the tests in national policy. Furthermore, while paragraph 11d of the Framework is applicable, having taken into account the public benefits, there is not a strong reason to refuse planning permission based on the application of policies in the Framework that protect designated heritage assets.
42. The test in paragraph 11dii remains relevant, but the intentional unauthorised development adds only limited additional weight to the overall identified harm. Even when that is taken into account, the adverse impacts of the development do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, in conjunction with the PPTS. Consequently, the development benefits from the presumption in favour of sustainable development as articulated in paragraph 11d of the Framework.

### **Conditions**

43. The parties provided a schedule of conditions in the SoCG, which were discussed at the hearing without prejudice to the outcome of the appeal. Drawing on that discussion and having considered the proposed conditions against the tests in the Framework, I sought the parties' comments on a schedule of revised draft conditions. I have taken account of comments received from both parties when imposing the conditions which follow.
44. Since the development has already commenced, there is no need for a condition specifying the timescale for implementation. However, I have imposed a condition requiring compliance with the approved plans, in the interests of certainty. An additional Location Plan provided with the appeal is included for clarity, since it more clearly identifies the appeal site with reference to a named road. As worded, the condition is sufficiently precise to avoid any ambiguity, should the biodiversity measures approved pursuant to condition 5 differ from those shown on the application drawings.
45. For the reasons previously given, condition 2 specifies the permitted occupiers of the site, encompassing the current adult occupiers and their resident dependents. Condition 3 is necessary to ensure that the site is restored in accordance with details to be agreed by the Council, as specified in Condition 5, when no longer occupied by those named. Condition 4 limits the number of caravans, consistent with the number of pitches proposed, to maintain control over the intensity of use.
46. Condition 5 would secure approval and implementation of a site development scheme, to ensure that the site is drained, landscaped and lit in accordance with details to be approved by the Council. Details of the external materials for the stables would also be confirmed. That is necessary to secure a well-functioning development, integrated into its rural surroundings, including appropriate soft landscaping and avoiding excessive external illumination, so as to mitigate the effect on the setting of the listed buildings. Biodiversity net gain would also be secured by this means. Having taken account of the parties' comments, I have

specified a minimum of 20% net gain, consistent with the level of BNG proposed in the application and contributing to the planning balance. A site restoration scheme would also be secured, to support enforcement of condition 3, as necessary.

47. The wording of condition 5 reflects the part-retrospective nature of the development, specifying a timetable for the site development scheme to be approved and implemented, and providing for enforcement should that not be achieved. However, since the stables and manege are a discrete element of the development, with no associated harm identified, the condition would provide for enforcement against the use of land for Traveller pitches only.
48. The Council, with the appellant's agreement, requested some flexibility on the 11-month deadline in part ii of condition 5. However, a tailpiece clause in the manner proposed would introduce an unwelcome level of imprecision. The condition as worded would allow a reasonable timescale for the outstanding details to be approved and implemented and other mechanisms are available to seek variation of the terms of a condition, in the unlikely event that is necessary.
49. Finally, condition 6 is necessary to maintain planning control over use of the stables and manege, so that they remain available to support the needs of those occupying the four pitches, including horse keeping associated with the traditional Traveller way of life. Having considered comments from the parties, the wording encompasses the owner and/or occupiers of the site, which would allow for ongoing non-commercial use of the stables by the landowner, in the event that the four pitches are no longer occupied.
50. A condition requiring that the mobile homes should be clad was proposed at the hearing, but there are no details before me to demonstrate how that could be achieved, so it would lack precision. It would also be challenging to enforce when mobile homes are periodically replaced. In any case, I am satisfied that the measures in the site development scheme would provide adequate mitigation, taking into account the degree of harm to the significance of the listed buildings, so a condition requiring cladding is not necessary.
51. The stables and manege are included on the proposed plans and there is no clear justification for a condition requiring a specific timescale for their implementation. Furthermore, since the mobile homes are already occupied, a requirement that those elements of the development be completed within 12 months of occupation would lack precision and enforceability. Therefore, I have not imposed a condition to that effect. I have also not imposed conditions regarding hours of construction or burning of materials, as there is no clear justification for these, given the nature of the development and its siting in relation to neighbouring dwellings.

## **Conclusion**

52. There is conflict with the development plan as a whole, but material considerations indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be allowed.

*Jane Smith*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be carried out in accordance with the approved plans listed below, except in respect of any alternative biodiversity enhancement and landscaping measures approved pursuant to condition 5, and shall be permanently retained as such:
  - Drawing no. PGR-OC-01 – Location Plan (1:500)
  - Drawing no. PGR-OC-02 – Block Plan
  - Drawing no. PGR-OC-03 – General Plans & Elevations
  - Drawing no. PGR-OC-04 – Ecology Layout Plan
  - Drawing no. PGR-OC-10 – Location Plan (1:1250)
- 2) The occupation of the site hereby permitted shall be carried on only by Patrick Harty Snr, Ann Harty, Daniel Kennedy, Elizabeth Connors, Patrick Harty Jnr, Maryann Connors, John O'Connor, Bridy O'Connor, Mary O'Connor and their resident dependants.
- 3) When the land ceases to be occupied by those named in condition 2 above the use of the land for traveller pitches shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with that use, shall be removed and the land shall be restored in accordance with the site restoration scheme approved under condition 5.
- 4) There shall be no more than 4 pitches on the site and on each of the pitches hereby approved, no more than 2 caravans as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended, shall be stationed at any one time, of which only 1 caravan shall be a static caravan. No further caravans shall be placed at any time anywhere within the site.
- 5) The use of the land for Traveller pitches shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
  - i. Within three months of the date of this decision a scheme for:
    - a) the means of foul and surface water drainage of the site, including arrangements for its management and maintenance;
    - b) proposed and existing external lighting on the boundary of and within the site;
    - c) materials to be used in the construction of the external surfaces of the stables hereby permitted;
    - d) the restoration of the site at the end of the period for which the site is occupied by those permitted to do so;
    - e) a biodiversity enhancement and landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of 30 years, the scheme shall include:
      - the removal of existing hardstanding;

- details of all boundary treatments and all other means of enclosure;
- the retention of existing trees and hedgerows, including tree protection measures required during implementation of the development (as detailed in Your Vision Environmental Consultants Tree Survey & Impact Assessment dated 10 April 2025);
- a comprehensive planting scheme with screen planting including details of species, plant sizes and proposed numbers and densities (plant species shall visually screen the site, respect the landscape context of the site and contribute towards ecological enhancements);
- a comprehensive biodiversity enhancement scheme based on the submitted small sites biodiversity metric (as completed by Daniel Bennett Planning Consultant on 12 April 2025), to achieve a minimum of 20% biodiversity net gain. The biodiversity enhancement scheme shall detail the location and design of species-specific enhancement measures, purpose and conservation objectives for any measures and a scheme for the maintenance and monitoring of the measures for a period of 30 years identifying persons responsible for implementing, monitoring and maintaining the scheme;

shall have been submitted for the written approval of the local planning authority and the scheme (hereafter referred to as the site development scheme) shall include a timetable for its implementation.

- ii. If within 11 months of the date of this decision the local planning authority refuse to approve the site development scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
- iv. The approved site development scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved site development scheme specified in this condition, that scheme shall thereafter be retained and remain in use.

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.

- 6) The manege and stables hereby permitted shall be used solely for the private leisure purposes of the owner and/or occupiers of the site and shall not be used for any commercial activity.

END OF CONDITIONS

## **APPEARANCES**

### **FOR THE APPELLANT:**

Alan Masters, Counsel (instructed by W S Planning)

Peter Brownjohn, W S Planning

Mark Sanderson, W S Heritage

Daniel Kennedy, Appellant

John O'Connor

### **FOR THE LOCAL PLANNING AUTHORITY:**

Harrison Lockwood MRTPI, Senior Planning Officer

Susanne Chapman-Ennos MRTPI, Area Development Manager

David Sorapure, Built Heritage Consultant, Essex County Council Place Services

### **INTERESTED PARTIES:**

Thomas Acton, Advisory Council for the Education of Romanies and Travellers

## **HEARING DOCUMENTS**

1 Statement by Prof. Thomas A. Acton MA DPhil (Oxon) FRSA OBE