



Appeal Decisions

Site visit made on 4 March 2026

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2026

Appeal A Ref: APP/C1760/C/23/3334230

Appeal B Ref: APP/C1760/C/23/3334231

Land South of Wellow Way, Scallows Lane, West Wellow, Hampshire SO51 6DX

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mr Michael Ward and Appeal B is made by Mr James Ward against an enforcement notice issued by Test Valley Borough Council.
- The notice was issued on 2 November 2023.
- The breach of planning control as alleged in the notice is “Without planning permission, the making of a material change in use of the Land to use as a residential caravan site, including the following associated works which facilitate that use:
 - a) The stationing of four static caravans
 - b) The stationing of three touring caravans
 - c) The construction of a building
 - d) The erection of close board fencing on the northern, eastern and southern boundaries and the erection of post and rail and close board fencing within the site.
 - e) The formation of hard surfacing area.
 - f) The construction of a retaining wall
 - g) The formation of an access onto Scallows lane
 - h) The siting of a portaloo, two box trailers and a shed
 - i) The installation of water supply and waste water drainage
 - j) The installation of electric supply cables and connection points
 - k) The installation of sewerage treatment equipment and plant
 - l) The construction of a patio area, steps leading to a raised platform and a brick skirt around the base of a static caravan
- The requirements of the notice are:
 - (i) Cease the use of the Land as a residential caravan site
 - (ii) Disconnect and remove all the electric and water supply equipment and plant from the Land
 - (iii) Remove all caravans from the Land
 - (iv) Demolish the building and remove from the Land all materials resulting from the demolition
 - (v) Demolish all close boarded fencing along with all post and rail fencing, including all timber boards, posts and gravel boards and remove from the Land all materials resulting from the demolition
 - (vi) Remove all box trailers, porta-loos, sheds and vehicles from the Land
 - (vii) Remove all material forming hard surfacing (including any surface finish, base, sub-base layers or membrane sheeting) from the Land.
 - (viii) Remove the retaining wall from the Land
 - (ix) Remove the sewerage treatment plant and equipment from the Land
 - (x) Remove the patio, steps, raised platform and brick skirt from the Land
 - (xi) Close up the access on Scallows Lane by depositing soil to reinstate the former ground levels of land, within the red edge of the attached plan, ensuring that the level is made consistent with the surrounding existing soil levels.
- The periods for compliance with the requirements are (a) Step (i) to be completed within 9 months from the date this notice takes effect, and (b) Steps (ii) to (xi) to be completed within 12 months from the date this notice takes effect.
- Appeals are proceeding on the grounds set out in section 174(2)(a), (b), (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decisions

1. It is directed that the enforcement notice is corrected and varied by:

- *the deletion of all the words after "Without planning permission," and their substitution with the words "the material change of use of the land hatched black on Plan 2 attached to this notice to a caravan site, and the formation of an access onto Scallows Lane, the construction of hard surfacing and a patio, the erection of steps leading to a raised platform and a brick skirt around the base of the static caravan on the land hatched black in Plan 2, an amenity building, retaining wall, close boarded fencing on the northern, eastern and southern boundaries and within the Land, post and rail fencing within the land, and the installation of a package treatment plant." in paragraph 3;*
- *the deletion of the words "of the Land as a residential caravan site" in section 5, paragraph (i);*
- *the deletion of paragraphs (ii), (vi), (viii) and (x) in section 5;*
- *renumber paragraph "(iii)" as paragraph (ii) in section 5;*
- *the deletion of the word "building" and the substitution of the words "steps, raised platform, brick skirt around the base of the static caravan on the land hatched black, amenity building and retaining wall" in section 5, paragraph (iv) and renumber it "(iii)";*
- *the deletion of the word "Demolish" and its substitution with the word "remove", and the deletion of the words "remove from the land all materials resulting from the demolition" and their substitution with the words "remove the package treatment plant and its associated pipework and equipment" in section 5, paragraph (v) and renumber it "(iv)";*
- *the insertion of the words "and patio" after the word "surfacing" in paragraph (vii) and renumber it "(v)";*
- *the insertion of the word "associated" before the word "equipment" in paragraph (ix) and renumber it "(vi)";*
- *the deletion of all the words and their substitution with the words "Remove all materials and debris resulting from compliance with steps (i), (ii), (iii), (iv), (v) and (vi) from the Land, close up the access on Scallows Lane and return the land to the level(s) and its condition prior to the breach taking place" in section 5, paragraph (xi) and renumber it "(vii)"; and*
- *The inclusion of 'Plan 2' annexed to this decision.*

Subject to the correction and variations, the appeals are 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 1990 Act (as amended) for the development already carried out, namely the material change of use of the land hatched black on Plan 2 attached to the notice to a caravan site, and the formation of an access onto Scallows Lane, the construction of hard surfacing and a patio, the erection of steps leading to a raised platform, a brick skirt around the base of the static caravan on the land hatched black on Plan 2, an amenity building,

retaining wall, close boarded fencing on the northern, eastern and southern boundaries of the land, post and rail fencing within the land, and the installation of a package treatment plant on land south of Wellow Way, Scallows Lane, West Wellow, Hampshire as shown on the plan attached to the notice and subject to the conditions set out in the attached Schedule.

Matters Concerning the Notice (EN)

2. The wording of the allegation lacks precision, is ambiguous and includes superfluous words. When a material change of use of land to use as a caravan site is alleged it is not necessary to state the type or number of caravans, although identifying the type of residential purpose may be helpful.
3. There is no reason that operational development and/or other matters that facilitate the alleged use cannot be included. It would however be unusual for the installation of utilities such as water and electric, or ancillary/incidental structures such as portable toilets and box trailers to be included.
4. I saw the “*building*” referred to is an amenity building, used in connection with the adjacent static caravan. For clarity, I shall substitute the words “*amenity building*” for precision.
5. While a shed is usually erected rather than sited, I saw there are three sheds on the Land identified on the plan attached to the EN (EN Plan). The notice does not identify which of these sheds it relates to. The EN therefore lacks precision in this regard and the “*siting of...a shed*” shall be deleted from the allegation.
6. The corrections identified above provide clarity and precision to the allegation and do not change the substance of the EN. I am satisfied no injustice would arise to either the appellant or Council.
7. The requirements shall be varied to reflect the corrected allegation. It is sufficient for 5. (i) to require the use to cease. The second step shall be to remove all caravans from the Land. The third step shall be to demolish the steps, raised platform and brick skirt around the static caravan, the amenity building, and the retaining wall. The fourth step shall be to remove the close board fencing and post and rail fencing, and the package treatment plant. The fifth step shall be to remove the hard surfacing and patio. The sixth step shall be to remove and close the access on to Scallows Lane. The seventh step shall be to remove all materials arising from the demolition and removal works from the land and to return it to its condition before the development took place.
8. There is no need to provide for the removal of box trailers, portable toilets, and vehicles as they are chattels associated with the use as a caravan site. Requiring the land to be returned to its condition before the development took place will result in their removal. I am satisfied no injustice would arise from these variations.

Preliminary Matters and Background

9. A considerable period has lapsed since the appeals were submitted and the National Planning Policy Framework and the Planning Policy for Traveller Sites have been updated. Given the grounds of appeal, the main appeal parties were provided with time to update their respective cases. The appellants provided an updated statement with appendices, upon which the Council has been consulted. I shall have regard to the latest submissions.

10. Subject to conditions, planning permission was granted for “*Change of use of land to residential caravan site with four caravans, two ancillary utility buildings, hardstanding and sewage treatment plant*” on 18 October 2021¹ (the 2021 PP). Condition 07 required that “*No development shall take place until full details of hard and soft landscape works have been submitted and approved...*”.
11. A second planning permission was granted for “*Variation of condition 07 (landscaping) of 18/02007/FULS (change of use of land to residential caravan site...*” on 14 June 2022² (the 2022 PP). The 2022 PP provided for the same development, reiterating all the previous conditions except for approving a scheme of hard and soft landscape works rather than requiring a scheme to be submitted for approval before development commenced.

The Appeals on Ground (b)

12. An appeal on this ground is that the corrected matters alleged have not occurred. It is for the appellants to show, on the balance of probabilities, that the use as a caravan site and the operational development has not occurred as a matter of fact.
13. The appellants do not dispute that there is a caravan site on the Land. They claim the caravan site use is however restricted to the area of hardstanding. As such, they argue the land beyond the hardstanding should be excluded from the Land identified on the EN plan. This land is inherently linked to the use as a caravan site however as it accommodates the access track, the package treatment plant and should accommodate landscaping and mitigation measures associated with the use and granted by the 2022 PP. I therefore disagree with the appellants and find the EN plan to be correct.
14. The appellants do not dispute development including the access on to Scallows Lane, the hardstanding, the amenity building and the sewerage treatment plant has occurred. I have already excluded several of the other works from the corrected allegation and these do not require further consideration. In respect of those that remain, the appellants do not claim they have not occurred, only that they do not constitute a breach of planning control. This is an argument to be pursued under ground (c), which I shall deal with below.
15. For these reasons, the appeals on ground (b) fail.

The Appeals on Ground (c)

16. An appeal on this ground is that the matters that have occurred do not constitute a breach of planning control. It is for the appellants to show, on the balance of probabilities, that the corrected matters alleged either benefit from deemed or express planning permission or do not constitute development.

The Material Change of Use

17. When a material change of use is alleged, it can be helpful to identify the extent of the planning unit. While there is no statutory definition of ‘planning unit’, the courts have held that whenever it is possible to recognise a single main purpose of the occupier’s use of their land, to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered the planning unit.

¹ Council reference: 18/02007/FULLS

² Council reference: 22/00563/VARS

18. There is no statutory requirement for the land edged red (LER) in a planning application to include the entire planning unit. The land edged blue (LEB) on the location plans accompanying the 2021 PP and the 2022 PP is shown to be used for ancillary and incidental purposes, including accommodating the package treatment plant, the Nutrient Neutrality Mitigation Scheme (NNMS) and landscape screening. Furthermore, I saw some landscaping, in the form of tree planting, and the installation of the package treatment plant has taken place in the LEB. These activities provide a physical and functional connection between the LER and LEB, which together form the Land identified on the EN Plan.
19. Taking the above factors together, the single primary use to which the Land identified in the EN Plan is put is as a caravan site. I am therefore satisfied that the Land is a single planning unit, the primary use of which is as a caravan site.
20. It is not disputed that part of the Land was granted planning permission for use as a caravan site. The 2021 PP and the 2022 PP require the development to be begun by 18 October 2024.
21. The Council's photographs of 22 October 2021 show that hard surfacing is under construction adjacent to the northern boundary of the LER and the access through to Wellow Way is open. While a Landscaping Scheme, required by condition 07, had not been submitted for approval at this date, it need not necessarily have been taken to go to the heart of the 2021 PP.
22. The appellants however applied to vary condition 07 through the submission of a section 73 application. The 2022 PP was subsequently granted on 14 June 2022, which included approval of a Landscaping Scheme. The Council's statement advises that, as they had been told the access on to Scallows Lane would be closed within 3 months of the 2022 PP being granted, their enforcement investigation was closed. The need for this access is cited as being to allow the caravans to be stationed on the land without disturbing neighbouring occupiers. The Council were content to allow this to occur as they had not required the Scallows Lane access to be incorporated into the 2021 PP despite it having been formed before the 2021 PP was granted. In these circumstances, it seems more likely than not that the 2022 PP had been implemented by 22 October 2021.
23. Even if I were to find that the hard surfacing works had not implemented the 2022 PP, the Council confirms the Land was being used for the stationing of caravans for human habitation by 15 March 2023. The Council's photographs dated 15 March 2023 show 2 touring caravans on the red edged land. The Council also confirms that one caravan was occupied by a woman and children, who they do not dispute were of gypsy heritage. I therefore find, on the balance of probabilities, that the 2022 PP was implemented before 15 March 2023 and it remains extant.
24. The alleged material change of use of the Land to a caravan site is therefore incorrect insofar as it relates to the LER being used for the stationing of caravans for human habitation and the use of the LEB for purposes incidental and ancillary to that use. However, Appendix 17 of the Council's Statement of Case includes a plan showing the Land as it is currently developed with the extent of the 2022 PP overlaid. There is no dispute that Mr Michael Ward's static caravan, its brick skirt, steps, patio and amenity building are located outside the LER, which has express planning permission for use as a caravan site. The allegation is therefore correct

insofar as it relates to the area of hard surfacing occupied by Mr Michael Ward's static caravan, associated development and amenity building.

25. The Council's Appendix 17 plan can be used to identify the area where the material change of use has occurred, and it shall be annexed to the EN for that purpose. This correction would not cause injustice to the appellants as it reduces what is being enforced against and an appeal on ground (a) has been made. Furthermore, the Council is not prevented from subsequently enforcing any alleged breach of conditions imposed on the 2022 PP insofar as they relate to the LER.

The Operational Development

26. It is the appellants' further contention that the hard surfacing and access onto Scallows Lane are temporary developments required to allow the implementation of the 2022 PP. They go on to claim these works are permitted development under Schedule 2, Part 4, Class A of the GPDO³ (Class A).
27. Class A grants deemed planning permission for "*temporary buildings and structures*" required temporarily in connection with and for the duration of operations, which have themselves received the requisite planning permission. The courts have held that 'operations' in this context means operational development as opposed to the use of land.
28. Neither the access nor the hard standing constitutes a building or structure. Furthermore, even if they were, the operation permitted by the 2022 PP is a use of land. As such, Class A does not apply, and I find that these works do not benefit from deemed planning permission granted by the GPDO.

Conclusion on ground (c)

29. For the reasons given above, the appeal on ground (c) succeeds to the extent that the material change of use has not occurred across all the Land, only that shown hatched and edged black on the plan annexed to this decision (the hatched black land).

The Appeals on Ground (a) and the Deemed Application for Planning Permission

30. An appeal on this ground is that planning permission should be granted for the corrected matters alleged. Given the partial success on ground (c), those matters are the material change of use of the hatched black land and the formation of an access onto Scallows Lane, the construction of hard surfacing and a patio, the erection of steps leading to a raised platform, a brick skirt around the base of the static caravan on the hatched black land, an amenity building, retaining wall, close board fencing on the northern, eastern and southern boundaries and within the Land, and post and rail fencing within the Land, and the installation of a package treatment plant.
31. The **main issues** are the effects of the corrected development on:
- Ecology and protected species, particularly the Solent and Southampton Water Special Protection Area (the SSW SPA) and the New Forest Special Protection Area (the NF SPA);

³ Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

- The character and appearance of the site and wider area; and
 - Highway safety.
32. The Council acknowledge that there is nothing, including the EN, to prevent a future scheme for a traveller site being granted planning permission on the Land. The lack of a 5 year land supply to meet traveller needs is acknowledged; the Council's latest assessment shows only a 1.1 year land supply. Furthermore, the Council's 'Gypsy & Traveller Pitch and Travelling Showpeople Plot Supply Statement' (September 2023) shows the 2 pitches granted by the 2022 PP as contributing to their 1.1 year supply.
33. The Council opposes the ground (a) appeal in principle as they consider the appellant to be seeking planning permission for an unrestricted caravan site use, rather than a gypsy and traveller caravan site. The use as a caravan site now only relates to the hatched black land and the appellants are seeking planning permission to regularise their use of the Land as a gypsy and traveller caravan site. I shall proceed on this basis.
34. The 2022 PP approved layout plan shows the LER being occupied by two static caravans, two touring caravans and two amenity buildings along with ancillary hard surfacing etc. While not specifically showing the area divided into two traveller pitches, it is not unreasonable to conclude that two pitches would be formed by this development.
35. From what I saw during my visit and the evidence provided, the longer dimension of the LER granted by the 2022 PP has been incorrectly positioned on the Land. While the Council's photographs show this to be evident during both enforcement investigations and the consideration of the variation application, it does not appear to have been addressed by either appeal party at the time.
36. The area of hard surfacing created has been divided into two pitches by post and rail fencing, although this may have been delineated previously by close board fencing. I understand the northernmost pitch to be Mr James Ward's and the southernmost pitch to be Mr Michael Ward's. I shall refer to these pitches as JWP and MWP respectively. Each of the pitches covers a larger area than approved by the 2022 PP, however only MWP extends beyond the LER.
37. JWP therefore has planning permission for use as a caravan site, subject to the conditions imposed on the 2022 PP. Some of those conditions may have been breached in relation to the number of caravans upon it, who occupied them and the erection of fencing. Such matters do not amount to a material change of use, they amount to a breach of planning control under section 171A.(1)(b). This is not therefore a matter before me for consideration but may be a matter the Council decide to act against at some future date, if they find it expedient to do so.
38. While MWP has been extended beyond the planning permission area, the Council's evidence does not show that this pitch has been used for the stationing of more than one touring caravan and one static caravan. Only one amenity building has been erected upon it, which is not dissimilar to the one shown in the approved plan. Having regard to these facts, I shall proceed on the basis that insofar as a material change of use to a caravan site has occurred, it comprises the extension of the previously approved caravan site.

Ecology and Protected Species

39. Development resulting in a net increase in dwellings is required to demonstrate there will be no likely significant effect on the SSW SPA due to wastewater discharge. The development at which the corrected notice is directed does not include the provision of additional dwellings or an increase in the number of caravans to be stationed on the Land.
40. There is only one amenity building currently on the Land and the 2022 PP provided for two amenity buildings. I do not therefore consider that the development has caused any increase in wastewater over and above that which would arise from the 2022 PP, which included approval of a package treatment plant and the NNMS.
41. I saw that a package treatment plant has been installed in the approximate position shown on the approved landscaping plan. The agreed package treatment plant was found capable of accommodating the two pitch caravan site. Furthermore, the success of the NNMS is based upon the installation of the package treatment plant specified in the legal agreement. There is however no evidence before me to show it is the approved package treatment plant that has been installed.
42. In the absence of confirmation that the approved package treatment plant has been installed, taking a precautionary approach, I cannot be satisfied that this element of the development is acceptable in planning terms. This matter could however be addressed through the submission of the relevant technical information for approval, which could be secured as part of a site development scheme (SDS).
43. Mitigation for the NF SPA takes the form of a financial contribution towards off setting recreational pressures. Again, as the corrected development does not increase the number of caravans on the land additional recreational pressures do not occur. There is therefore no justification for an additional financial contribution to be made because of the corrected development.
44. Furthermore, the legal agreement requires the LEB to accommodate the planting of 28 fruit trees as part of the NNMS. The NNMS only includes the species and size of trees at time of planting, not a plan of where the planting will occur. The area available for carrying out the NNMS has been reduced. However, in the absence of evidence to show that the land now available is inadequate, I do not doubt that the NNMS can be accommodated. Clarification of where the planting is to take place should form part of any SDS.
45. For the above reasons, the corrected development complies with policy E5 of the Test Valley Borough Council Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017, which seeks to conserve, restore or enhance protected habitats, amongst other things.

Character and Appearance

46. The Land is in the countryside. The surrounding undulating landscape contains a dispersed pattern of development accessed from winding, narrow lanes which are lined by native species hedgerows. Adjacent agricultural land is occupied by polytunnels. Directly to the north is Wellow Way, a lawful caravan site.

47. The area of hard surfacing has been extended beyond what is shown on the 2022 PP approved plans. The Council's representative confirmed at my site visit that the width of the hard surfacing is in accordance with the 2022 PP, only its length has been extended in a southerly direction. I saw that a considerable area of the LEB remains undeveloped.
48. The extension of MWP into the LEB has not resulted in any additional caravans or amenity buildings over and above what had already been granted planning permission. Once the NNMS and landscaping scheme has been implemented and become established, any visual intrusion caused by the extension of MWP will be negligible. The stationing of the static caravan on the hatched black land and the erection of the amenity building do not therefore cause any significant harm to the character and appearance of the countryside.
49. Except for the access, the operational development is set back within the Land and not readily visible from public vantage points on Scallows Lane or beyond. The hard surfacing, patio, steps, platform and retaining wall therefore have no effect on the character and appearance of the surrounding countryside.
50. The provision of post and rail fencing is an acceptable form of countryside fencing. It does not therefore cause harm to the character and appearance of the site or surrounding countryside.
51. The provision of close board fencing is not a form of boundary treatment normally encouraged in the countryside. That which has been erected is adjacent to the lawful caravan site and the polytunnels, and it is not excessive in height. I therefore find it has a negligible effect on the visual amenity of the site and surrounding countryside.
52. The access has potentially opened a view into the Land. However, the technical constraints of the lane, coupled with the route of the internal access track and change in land levels, ensure that any potential view of the development is fleeting. Furthermore, the development is not in an area devoid of surrounding development.
53. The provision of the NNMS and the approved landscaping scheme, once completed, would screen what fleeting view is available. I also saw several similar accesses onto Scallows Lane during my site visit and the access does not look out of keeping with its surroundings. Furthermore, there is no requirement for traveller sites to be entirely screened from public view in national or local planning policy.
54. For the above reasons, the development complies with policy E2 of the Test Valley Borough Council Revised Local Plan (2016), which seeks to preserve the character and appearance of the immediate area and prevent the loss of important local landscape features, amongst other things.

Highway Safety

55. I saw that visibility for drivers exiting the appeal site is restricted on the traffic approach side by vegetation. The appellant has provided a plan showing how visibility splays of 2.4m by 43m can be achieved if vegetation is cut back and maintained.
56. I appreciate that the appellants' suggested visibility splays (drawing number: 2401026 – 01) are those required where a 30mph speed limit is in force not the

national speed limit, like along Scallows Lane. I am also aware no speed survey has been undertaken. I am however satisfied that the restricted carriageway width, in conjunction with the lane's meandering route through the surrounding undulating landscape, ensures vehicles are travelling at significantly lower speeds, which I experienced during my site visit.

57. I also saw that other road users include horses and their riders. Given the technical highway constraints of Scallows Lane, I consider the provision of the visibility splays suggested by the appellant would be adequate to ensure that vehicles exiting from the site do not cause a significant risk to highway safety. The visibility splays would be provided across highway land and/or that belonging to the appellants. I have not been provided with any substantiated reason why the visibility splays could not be provided as shown.
58. The formation of the access does not prevent the use of the adjacent carriageway as a passing place. If anything, it ensures that the passing place would remain available for that purpose. From my visit to the site, it seems more likely than not that many of the accesses onto Scallows Lane act as informal passing places for traffic.
59. For the above reasons, the development does not conflict with policy T1 which seeks to minimise highway safety impacts through the provision of safe access to the highway network, amongst other things.

Conditions

60. A list of suggested conditions has not been provided. The Council however asks for regard to be had to conditions imposed on the two earlier planning permissions if I find planning permission should be granted.
61. As I have found that there has been an extension to the previously granted caravan site and a static caravan has been stationed on the hatched black land, it would be appropriate to prevent: occupation of the site by any persons other than gypsies and travellers as defined in Annex 1 of the PPTS; business activities; parking of large vehicles, and restricting the use of the utility building to ancillary purposes.
62. A site development scheme would provide clarity as to where the two static caravans, two touring caravans and two amenity buildings are/or would be located within the Land. It would also provide for the variation of the approved landscaping scheme and timescales for its and the NNMS's implementation, completion and maintenance. Package treatment plant details, visibility splays and fencing details shall also be included as part of an SDS. This condition would need to include a sanction to ensure that the permission is lost should the required details and timescales not be adhered to.
63. Once provided, it will also be necessary to ensure the visibility splays maintenance free of obstruction.

Conclusion on Ground (a)

64. For the reasons given above, having regard to the development plan as a whole, the appeal on ground (a) succeeds.

Overall Conclusion

65. For the reasons given above, I conclude that the appeals succeed on ground (a). I shall grant planning permission for the development as described in the notice as corrected. The enforcement notice will be corrected and quashed.
66. In these circumstances the appeals on grounds (f) and (g) do not fall to be considered.

M Madge

INSPECTOR

PLAN 2



SCHEDULE OF CONDITIONS

1. The land shown hatched black on Plan 2 attached to this decision shall only be used as an extension to the caravan site the subject of planning permission reference 22/00563/VARS.
2. 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.
3. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
4. No commercial activities shall take place on the land, including the storage of materials.
5. The use and operational development hereby permitted shall cease and be demolished to ground level/be removed and all equipment and materials brought onto the land for the purposes of such use/materials resulting from the demolition shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a site development scheme (SDS) shall be submitted to the Council for approval. The SDS to include:
 - (a) the proposed layout of the site, including the full extent of the two pitches, the location of the two mobile homes, two touring caravans, vehicle parking and manoeuvring areas, outdoor amenity areas, two amenity buildings, package treatment plant and means of enclosure;
 - (b) the provision of the 2.4m by 43m visibility splays shown on plan no. 2401026 – 01;
 - (c) details of existing and proposed hard and soft landscaping including a planting schedule and specification;
 - (d) details of all foul and surface water drainage arrangements, including details of size, position and construction; and
 - (e) a timetable for the implementation and maintenance of the approved details.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the SDS 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 SDS shall have been approved by the Secretary of State.
 - iv) The approved SDS shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the

approved SDS specified in this condition, that SDS shall thereafter be maintained/retained/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 utility building hereby approved shall be used for purposes ancillary to the use of land as a gypsy and traveller caravan site and shall not be occupied as a permanent means of habitable accommodation at any time or used for any commercial activities.
7. The 2.4m by 43m visibility splays provided in accordance with condition 5 shall thereafter be maintained free of any obstruction exceeding 1.05m in height.

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