



Appeal Decision

Hearing held on 28 July 2026

Site visit made on 28 July 2026

by R Merrett BSc(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2026

Appeal Ref: APP/P0119/C/26/3378284

Land Adjacent to Orchard Farm Cottage, Pomphrey Hill, Mangotsfield BS16 9NF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr James McDonagh against an enforcement notice issued by South Gloucestershire Council.
- The notice was issued on 12 February 2026.
- The breach of planning control as alleged in the notice is Without planning permission, the change of use of land to a residential caravan site and associated operational development including the importation and laying of hardcore to level the site and the erection of a building.
- The requirements of the notice are to: 1. Cease the residential use of the land; 2. Cease the use of the land for the siting of caravans and mobile homes for residential use; 3. Remove from the land all caravans and mobile homes and their associated facilities/utilities (including but not exclusively water pipes and electricity lines); 4. Remove all the buildings and associated materials from the land erected in association with the residential use; 5. Remove all engineering operations facilitating the uses and their associated materials from the land (including but not exclusively - all hardcore / hardstandings laid, the foul drainage removal systems) and all materials imported to raise and level the land.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (e), (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.

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

Application for costs

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Preliminary Matters

2. It was agreed that minor corrections, concerning the site address and the need for singular rather than plural wording in some of the requirements, may be made to the notice, as necessary, without resulting in any prejudice to the main parties.
3. For the avoidance of doubt, the appellant confirmed that the deemed planning application would be for the residential use of the land, not restricted to occupation by gypsies and travellers.
4. The revised National Planning Policy Framework was published on 17 August 2026. The parties were given the opportunity to comment on the relevance of this document to the present appeal, and the comments made have been duly taken into account.

The appeal on ground (e)

5. This ground of appeal is that copies of the enforcement notice were not served as required by s172 of the 1990 Act. S172(2) requires that the notice be served on owners, occupiers and anyone with an interest in the land subject to the notice.
6. S329 of the Act sets out various alternative means of effectively serving a notice. These include delivering it to the intended recipient in person or by recorded delivery and delivering to anonymous owners and occupiers by the same methods, or by affixing the notice conspicuously to an object on the premises. It would be a requirement to address the notice to “the owner” or “the occupier” as appropriate, and for it to be marked so as to be plainly identifiable as a communication of importance.
7. Whilst there is no dispute that the notice was correctly served on the appellant, the ground (e) appeal is that this was not so with regard to the various site occupiers.
8. As part of its evidence, the Council has submitted various certification provided by the third-party company responsible for serving the notices¹. The relevant witness statement says the following with respect to service on the site owners and occupiers: *“That on making enquiries at the address I served the listed document by leaving copies at the address as requested by giving to occupants and owners and displaying a further copies displayed at entrances.”*
9. Whilst I have no reason to doubt the Council’s account that copies of the notice in question would have been marked as a communication of importance, it is uncertain how many people on the site were given a copy of the notice, and where on the site those people were. It is also uncertain exactly where copies said to have been displayed at ‘entrances’ were actually exhibited, and whether in doing so the notices were ‘affixed conspicuously’ as required by the regulations. Accordingly, I am not persuaded the enforcement notice was served as required by s172 of the Act.
10. However, it is important to bear in mind that even if the notice had not been correctly served, section 176(5) of the 1990 Act provides that failure to serve may be disregarded if the appellant, or person required to be served, has not been substantially prejudiced by the failure to serve them [my emphasis].
11. In this appeal, comprehensive evidence has been provided by the appellant addressing the Council’s reasons for serving the notice, in addition to setting out what they regard as the benefits of the development. These include helping to address the Council’s housing supply shortfall and the provision of affordable housing. It can reasonably be assumed that such matters will be central to the interests of the site occupiers.
12. Furthermore, the appellant has not specifically identified how site occupiers who were not served with a copy of the notice might have been prejudiced. Had the specific circumstances of any occupiers been particularly vulnerable to the Council’s actions, it might reasonably be expected this would have been identified in the appellant’s comprehensive evidence.

¹ Council Statement of Case Appendix I.

13. I therefore consider, on the balance of probability, that site occupiers would not have been prejudiced to a substantial degree, by the failure to be served with the notice, and that as such this may be disregarded. The ground (e) appeal does not therefore succeed.

The appeal on grounds (b) and (c)

14. The appeals are respectively that the matters alleged to constitute the breach of planning control have not occurred as a matter of fact (ground b); and that those matters (if they occurred) do not constitute a breach of planning control (ground c). There is a degree of overlap between these grounds in the appellant's case.
15. The enforcement notice alleges a material change of use, together with operational development, including the laying of hardcore and erection of a building. However, a key part of the appellant's case is that the residential caravan site use already benefits from planning permission².
16. They acknowledge the number of caravans now stationed on the site (ten) exceeds the limit imposed by condition in relation to that permission (three), however say this means there has been a breach of condition, rather than an unauthorised change of use. Accordingly, they say the notice in this regard should have cited a breach of condition, the alleged change of use not having occurred.
17. Planning permission P20/04560/F was granted in 2022 for the use described in the footnote below. In accordance with condition 1 of that planning permission, commencement of the development was required within 3 years of the planning permission date, that is by 15 July 2025. There is no dispute that by that time works capable of commencing the development had been undertaken.

Conditions Precedent

18. It is settled case law³ that it is necessary for a condition to be both expressly prohibitive of commencement of development before a particular matter is approved (or in requirement of a particular matter to be approved before commencement of development) and also to go to the heart of the permission in order for it to constitute a 'condition precedent'. A failure to discharge such conditions would result in development without planning permission.
19. It is the Council's case that condition No 8 constitutes such a condition precedent, that was not duly discharged before 15 July 2025. Accordingly, it says this caused the planning permission to have lapsed.
20. Condition 8 was in essence concerned with prohibiting any development before the risks associated with any historic contaminated material present on site were established, then if necessary undertaking further investigation and remediation work, if unacceptable risk was found.
21. There is no dispute between the parties that this condition was a true condition precedent. Whilst the Council discharged Part A of the condition concerning the level of risk⁴, it concedes that decision was an error, as it was taken after the

² Planning permission reference P20/04560/F – Change of use of land to mobile home site to facilitate the stationing of 3 No. mobile homes with associated hard-standings and landscaping works – permission granted 15 July 2022.

³ *R (oao Hart Aggregates Ltd) v Hartlepool BC* [2005] EWHC 840 (Admin) and *Greyfort Properties Ltd v SSCLG* [2011] EWCA Civ 908.

⁴ Condition discharged 27 October 2025.

permission lapsed in July 2025. The appellant however refers to an exception in case law⁵, citing that by the time enforcement action was taken by the Council, the requisite permissions had been gained, such that the development permitted had been lawfully commenced.

22. In *Whitley*, the exception was established that if the condition requires that something is approved before a given date, and the developer applies for that approval before that date [my emphasis] and the approval is subsequently given so that no enforcement action could be taken, work that is carried out before the deadline and in accordance with the ultimately approved scheme can amount to a lawful start to development.
23. However, despite previous unsuccessful applications to discharge the condition, the ultimately successful application was itself only made after the July 2025 deadline, with the submission of a revised 'Tier 1' contamination risk assessment. It follows there cannot have been a lawful start to development, and accordingly the permission has now lapsed, Part A of condition 8 having been discharged in error. I therefore find both that the alleged development has occurred and that there has been a breach of planning control. The appeals on ground (b) and (c) fail.
24. Part of the Council's case is that the development previously granted planning permission, and that now enforced against, are materially different from one another as a result of ground raising operations undertaken, that were not envisaged at the time of the previous planning permission. For the avoidance of doubt, from the evidence before me, including that discussed at the Hearing and site visit observations, whilst I acknowledge that surface materials have been imported to the site, I am not persuaded that ground level changes have been so significant as to result in deviation from the approved plans. This would not, in itself, have resulted in the planning permission lapsing, but nevertheless does not alter the conclusions I have reached above.

The appeal on ground (a)

Main Issues

25. The appeal on ground (a) is that planning permission ought to be granted for the development undertaken. The main issues are:
 - whether the development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - the effect of the development in relation to the character and appearance of the area;
 - the significance of any contamination present on the site;
 - if the development is inappropriate, whether the harm to the Green Belt by way of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

⁵ *F G Whitley & Sons v SSW & Clwyd CC* [1992] JPL 856.

Reasons

The site and its surroundings

26. The appeal site covers an irregularly shaped area, and currently accommodates nine static caravans, a large touring caravan and an ancillary utility building. It is partly bordered to the west by a gypsy and traveller site, at noticeably higher ground level; and to the west and south by an extensive open area of formal playing fields, recreational footways and associated car parking. A deep belt of dense and mature planting separates the appeal site from the playing field area.
27. Beyond the eastern boundary, the ground level drops abruptly to a paddock area, after which is the A4174 dual carriageway. The site is accessed from the road known as Pomphrey Hill, which also forms the northern boundary of the site.
28. The site is outside, though a short distance to the east of, the settlement boundary of Mangotsfield, containing large concentrations of suburban residential development.

Green Belt

29. Chapter 13 of the Framework sets out that the essential features of Green Belts are their openness and their permanence. It states that the objective of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Policy GB2 of the Framework notes that the Green Belt has five purposes which include a) checking the unrestricted sprawl of large built-up areas; b) preventing neighbouring towns from merging into one another and d) preserving the setting and special character of historic towns. Policy GB6 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
30. The Framework states that development in the Green Belt is inappropriate development, unless certain exceptions apply. Included within these exceptions are various development types and scenarios.
31. Policy GB7g of the Framework states that development in the Green Belt is not inappropriate where it can be ascertained the development would utilise 'grey belt' land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan (Policy GB7g.i.); where there is an evidenced unmet need for the type of development proposed (Policy GB7g.ii.); where the development would be in a sustainable location (Policy GB7g.iii.) and where applicable the development proposed meets the so-called 'Golden Rules' requirements within Policy GB8 (Policy GB7g.iv.).
32. The 'Golden Rules' are concerned with securing contributions, including to local infrastructure, from the provision of 'major' housing development on sites in the Green Belt.
33. To begin with, it is therefore necessary to consider whether the development, in this case, meets these various Policy GB7g criteria.

Grey belt

34. Grey belt land is defined in the Framework as land in the Green Belt comprising previously developed land and / or any other land that, in either case, does not strongly contribute to any of purposes a), b) or d) in Policy GB2.
35. Notwithstanding that the previous planning permission for residential use on the site lapsed, there is no dispute between the main parties that the site would fall within the definition of previously developed land as set out in the Framework. Neither is it contested that the site does not strongly contribute to Green Belt purposes b) or d) which, as set out above, are concerned with preventing towns from merging and preserving the character of historic towns. I have no reason to disagree.
36. It is therefore necessary to consider whether the site comprises land that strongly contributes to the purpose set out in Framework Policy GB2a), namely checking the unrestricted sprawl of large built-up areas. In making this assessment I have had regard to the Planning Policy Guidance (PPG), as reflected in Annex E of the Framework. I note the appellant takes the view that Mangotsfield is technically a village and therefore, in accordance with the PPG, should not be regarded as a large built-up area. However, because Mangotsfield has effectively been subsumed within the wider Bristol conurbation, it would be appropriate in my judgment to interpret it as part of a large built-up area.
37. In terms of checking unrestricted sprawl, the PPG advises that assessment areas that contribute strongly are likely to be free of existing development, and lack physical features in reasonable proximity that could restrict and contain development. They are also likely, if developed, to result in an incongruous pattern of development, such as an extended finger of development into the Green Belt.
38. In this case the site, having been previously developed, cannot be said to have been free of existing built development. As set out above the site is bounded by residential and formal recreational land uses, along with the road providing access to the site. The southern and western boundaries are also strengthened by the presence of very mature planting, as described above.
39. Notwithstanding a more open relationship with the paddock area to the east, in my judgment the overall site boundary characteristics mean the site cannot be said to lack physical features in reasonable proximity that could restrict and contain development. Furthermore, though adjacent to a large built-up area, I do not consider that the proposed caravan site would result in an incongruous pattern of development, given the previously developed status of the site, and also because the pattern in the broader area tends to be one of development extending in varying degrees up to the A4174 dual carriageway.
40. As a matter of fact and degree, and notwithstanding the presence of green fields and public open spaces in the wider area as identified by the Council, I therefore conclude that, when assessed in the round, the appeal site does not make a strong contribution to the aforementioned Green Belt purpose. When also having regard to my conclusions above, in relation to Policy GB2 purposes b) and d), it follows the site is 'grey belt' land.

41. I am not persuaded the proposed development in this case would affect the ability of the remaining Green Belt across the area of the plan to serve all five of the Green Belt purposes in a meaningful way, and thus that it would fundamentally undermine the purposes of the remaining Green Belt. The requirements of Policy GB7g.i. are therefore met.
42. In terms of Policy GB7g.ii. of the Framework, the Council does not dispute that it lacks a five year supply of deliverable housing sites⁶. It therefore accepts there is an evidenced unmet need for the development proposed. There is no information before me that leads me to disagree.
43. Having regard to Policy GB7g.iii., it is undisputed that the site would be in a sustainable location. Again, there is no reason for me to disagree.
44. Having regard to Policy GB7g.iv., to constitute 'major' housing development, as defined in the Framework, ten or more homes would need to be provided or the site area would need to be a minimum of 0.5 hectares. In this case nine permanent homes would be provided (in the form of static caravans for rent) along with a rentable plot for a touring caravan.
45. As a matter of judgment, I do not regard the provision of a plot that may or may not become used as a base for a permanent home, as contributing to the ten-unit threshold. Furthermore, the overall site area is below the aforementioned size threshold. Neither relevant criteria would therefore apply, and so the proposal is not the major category of development, as defined in the Framework. The Council does not seek to argue that the so-called 'Golden Rules' would be applicable to this case, and there is no reason for me to take a contrary view.
46. I conclude the various applicable criteria, set out in Policy GB7g of the Framework are met, and that the proposed residential development should not be regarded as inappropriate within the Green Belt. Accordingly, as the development is not inappropriate it should not be regarded as harmful to the openness of the Green Belt.
47. In light of the above conclusion the proposed development would conform with Policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy 2013 (CS) and Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017 (LP), insofar as they seek development in the Green Belt to comply with the provisions of the Framework and to not be 'inappropriate' unless very special circumstances can be demonstrated.

Character and Appearance

48. The Council sets out that the development results in harm to the character and appearance of the area, as it projects into a predominantly open area and would result in a cramped style of development, exacerbated by the elevation of the site.
49. The immediate area is characterised by a mixture of largely open land uses, as described above, which are generally heavily screened from public view along Pomphrey Hill by dense mature landscaping belts. However, due to an absence of screening across the northern boundary, the site is clearly visible from this road,

⁶ The parties agree that the most up to date assessment of supply based on the Council's 2025 Annual Monitoring Report is some 3.93 years.

albeit fleetingly when passing the site, and with only the forward-most caravans visible from further away.

50. From the playing field area, views of the site are almost entirely concealed by dense vegetation. Whilst the visibility of the site may increase due to seasonal leaf fall, in my judgment the change is unlikely to be significant, because the depth of planting would continue to screen and filter views.
51. The site is most visible along its open eastern boundary, viewed from the adjacent paddock at lower level, although visibility will be limited due to this being private land. Whilst the ground level of the site is elevated from this perspective, it remains at lower level, and similar in character, to the albeit much smaller, adjacent caravan site on the other side. This results in a stepped progression in the height of land uses along Pomphrey Hill, consistent with the natural slope of the road.
52. I agree with the Council that the positioning of caravans close to the site boundaries, appears somewhat harsh from the immediate north and east. Notwithstanding this, I consider there is scope to introduce new planting measures within the site adjacent to these boundaries; also to reposition some of the caravan units further within the site and to finish the boundary fencing in a more 'subdued', dark brown colour.
53. Drawing all the above considerations together, and subject to appropriate siting and additional landscaping measures, I am not persuaded that the development would appear unduly prominent, cramped or generally at odds with its surroundings, resulting in harm to the character and appearance of the landscape. Nor am I persuaded that the proposal would not represent an improvement to the poor visual state of the site, acknowledged by the Council, prior to the mobile home use. Accordingly, I do not find conflict with Policies CS1, CS9 and CS34 of the CS and Policies PSP1 and PSP2 of the LP, insofar as they require development to respect and enhance the local distinctiveness and character of the surrounding landscape.
54. Policy PSP40 of the LP is essentially permissively worded in respect of certain types of residential development in the open countryside, outside settlement boundaries. The type of development in this case is not specifically covered or excluded by the wording of that policy. Accordingly, I do not find the development to be in conflict with it.

Contamination

55. The Council has expressed concern as to whether material imported to the site presents a contamination risk. During the Hearing the appellant explained they had brought hardcore, stone and gravel materials to the site, with a view to providing a level and stable surface treatment. They estimated the depth of imported material to be some 740mm in total. From the evidence before me, I am not persuaded that ground level raising has occurred beyond the application of these surfacing materials, with the exception of some movement and levelling of existing ground materials on the site.
56. I am content that it would be possible to impose a condition, requiring imported materials to be tested for any contaminants. If compliance with this condition is not secured, including by not addressing any problems satisfactorily, it could

potentially result in the permission lapsing. Accordingly, compliance with Policy CS9 of the CS and Policy PSP21 of the LP would be achieved, insofar as they seek the appropriate remediation of contaminated land.

Other Matters

57. Policy DM8 of the Framework indicates that in cases of unauthorised development, where consideration is being given to whether to grant planning permission in respect of the breach of planning control, if it is concluded that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.
58. The Council sets out that planning permission P20/04560/F restricted development of the site to three mobile homes, the number of units proposed having been reduced from nine, as part of the application process. It therefore considers the ten units actually brought onto the site was more in line with what was initially sought, and that such development was intentional.
59. However, as set out above, the appellant's case in relation to the ground (b) and (c) appeals was that a breach of condition, rather than material change of use had occurred. Whilst I concluded a material change of use had occurred, I do not doubt that the appellant acted in the belief that planning permission was at least in place for a mobile home site, albeit with the number of mobile homes restricted.
60. Therefore, whilst there may have been intention not to comply with the relevant condition, this does not equate to the intentional unauthorised development opposed by the Framework. I am also mindful that it is possible to impose planning conditions to mitigate the development in this case. The 1990 Act makes provision for a grant of retrospective planning permission, including the imposition of planning conditions, and planning enforcement that is remedial rather than punitive. This consideration does not therefore attract adverse weight in this case.

Other Considerations

61. As set out above there is no dispute that the Council lacks a five-year supply of deliverable housing sites. The parties agree that based on the Council's most recent 2025 Annual Monitoring Report, the most up to date assessment of supply is some 3.93 years (7,029 dwellings). As such the shortfall in supply equates to some 1,900 dwellings.
62. The proposed development in this case would contribute a relatively small number of units for rent, which in my judgment would be likely to satisfy a degree of need at the cheaper end of the market. The provision of residential units, that are likely to be more affordable, therefore collectively attracts significant positive weight in the planning balance.
63. The appellant also argues that the development would result in increased resident spending, to the economic benefit of local businesses. Whilst I concur with this point, it attracts very limited positive weight, on account of the small number of additional units.

Planning Balance

64. I acknowledge that national planning policy attaches great importance to Green Belts. Therefore, when considering any planning application substantial weight

should be given to any harm to the Green Belt. I have found the proposed residential use to be not inappropriate development, and therefore not harmful to the Green Belt.

65. Consequently, the proposed development accords with the strategy for the protection of Green Belt land, as set out in the Framework.
66. I have found that the development would not result in harm to the character and appearance of the landscape, or due to contaminated land considerations, subject to appropriate planning conditions. Also, the development does not constitute the intentional unauthorised development opposed by the Framework. These 'absences of harm' are neutral in the planning balance and do not weigh in favour of the appeal.
67. There are considerations which support the appeal. I attach significant weight to the lack of an up-to-date 5-year supply of housing land and to the provision of what are likely to be more affordable units of accommodation for rent. I attach very limited weight to local economic benefits.
68. The Council's emerging Local Plan remains under examination at this stage. According to the Council's delivery programme⁷, the target date for adoption of the Plan is December 2026, however it is uncertain whether this timescale will be achieved. The Council says that because of its emerging status, very limited weight ought to be given to the policies in that plan. There has been no information submitted that would lead me to take a different view.
69. I have also taken into account Policy S5 of the Framework. This states that where development in the Green Belt would not be inappropriate, proposals should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework. There is no information before me leading me to conclude the development would be at odds with any national decision making policies.
70. Therefore, applying this 'tilted balance' leads me to conclude that the benefits of granting permission would not be substantially outweighed by any adverse effects. Accordingly, it would constitute the sustainable development in relation to which the Framework presumes in favour.
71. I conclude the development would not be in conflict with the development plan when read as a whole. There are no material considerations indicating that a decision should be taken otherwise than in accordance with the plan. On balance, having regard to the above, I find the proposed development to be acceptable.

Conditions

72. I have considered the conditions discussed with the parties at the Hearing. A condition limiting the number and type of caravans on the site, is needed, in order to protect the character and appearance of the area and ensure the provision of appropriate residential accommodation.
73. A condition is required confirming the loss of the permission unless details are submitted for approval (including a timetable for implementation) concerning the site layout, boundary treatments, external lighting arrangements, the external

⁷ South Gloucestershire Local Plan Delivery Programme 2025 – 2028 (October 2025 update).

appearance of the utility building and soft landscaping works including their maintenance, in order to help safeguard the character and appearance of the area; and concerning foul and service water drainage, avoiding the importation of contaminated material, electric vehicle charging and ecological enhancement works in order to help safeguard the living conditions of the site occupiers, and in the interests of sustainable design and environmental protection.

74. These amount to typical components of a site development scheme for a caravan site. The form of this condition is imposed to ensure that the required details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matters before the development takes place. The condition will ensure that the development can be enforced against if the required details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

Conclusion

75. For the reasons given above, I conclude that the appeal succeeds 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.
76. In these circumstances the appeal on grounds (f) and (g) do not fall to be considered.

Formal Decision

77. It is directed that the enforcement notice is corrected by:
- the addition of the words "Mangotsfield BS16 9NF" after the words "Pomphrey Hill," in section 2 of the notice.
78. Subject to the correction, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the change of use of land to a residential caravan site and associated operational development including the importation and laying of hardcore to level the site and the erection of a building at Land Adjacent to Orchard Farm Cottage, Pomphrey Hill, Mangotsfield BS16 9NF as shown on the plan attached to the notice and subject to the conditions in the schedule below.

R Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) There shall be no more than **ten** 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 **nine** shall be static caravans and no more than **one** shall be a touring caravan), stationed on the site at any time.
- 2) The residential use hereby permitted shall cease and all caravans, structures, vehicles, equipment and materials brought onto the land for the purposes of such use shall be removed, and the land restored to its condition before the development took place within **30 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 scheme with details for:
 - (a) the internal layout of the site including the location of the caravans, vehicle parking and hardstandings, cycle parking and waste facilities;
 - (b) all boundary treatments and means of enclosure;
 - (c) the means of foul and surface water drainage of the site;
 - (d) proposed and existing external lighting within the site;
 - (e) an electric vehicle charging point;
 - (f) the source of the imported material to form the site surface, quantity imported and analysis results which demonstrate the material is suitable for use within the development;
 - (g) ecological enhancements to the site;
 - (h) the external appearance of the utility building;
 - (i) soft landscaping including details of species, plant sizes and proposed numbers and densities and details of a schedule of maintenance for a period of 5 years;(hereafter referred to as the 'site development scheme') shall have been submitted for the written approval of the local planning authority and 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 scheme specified in this condition, that scheme shall thereafter be retained.

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.

END OF SCHEDULE OF CONDITIONS

APPEARANCES

FOR THE APPELLANT:

Matthew Green	Planning Consultant (Green Planning Studio)
James McDonagh	Appellant
Jason McDonagh	Appellant's brother

FOR THE LOCAL PLANNING AUTHORITY:

Aaron Bush	Principal Planning Enforcement Officer
Marc Elliott	Planning Enforcement Officer

Documents Submitted at the Hearing:

1. Signed copy of appellant's brother's witness statement.