The Planning Inspectorate

Appeal Decision

Inquiry held on 3-5 April 2024

Site visit made on 5 April 2024

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 17/04/2024

Appeal A Ref: APP/A0665/C/23/3325120
Nutts Corner Stables , Pingot Lane, FRODSHAM, WA6 9FA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by MR JAMES PRICE against an enforcement notice issued by Cheshire West and Chester Council.
- The notice was issued on 23 May 2023.
- The breach of planning control as alleged in the notice is the material change of use of the land from equestrian to a mixed use of equestrian and a residential caravan site for a traveller family with associated domestic structures, amenity block, hardstanding, fencing, entrance pillars and gates and the use of an existing stable building for domestic purposes in connection with the residential use of the site.
- The requirements of the notice are 1) Cease the residential use of the land and the stables. 2) Remove all caravans, including static caravans and touring caravans, brick wall and brick/concrete steps associated with the static caravan, associated domestic structures including the amenity block, animal hutches and childs playhouse, fencing, brick entrance pillars and gates, septic tank and container from the land. 3) Remove all hardstanding that does not have the benefit of planning permission under 20/02879/FUL as identified on the attached plan titled "existing and proposed site plans, stable details and access. 4) Reinstate the land to its previous condition before the unauthorised development took place.
- The period for compliance with the requirements is: 12 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (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.

Appeal B Ref: APP/A0665/C/23/3325122
Land to the West of Manley Road, Manley, Frodsham, Cheshire, WA6 9ED

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by MR G EVANS against an enforcement notice issued by Cheshire West and Chester Council.
- The notice was issued on 23 May 2023.
- The breach of planning control as alleged in the notice is the material change of use of the land from agriculture to a residential caravan site for a traveller family with associated amenity block, hardstanding and fencing.
- The requirements of the notice are: 1) Cease the residential use of the Land and stables. 2) Remove all caravans, the amenity building ('stables'), septic tank and all hardstanding (including the access track from Manley Road), and fencing from the land. 3) Reinstate the land to its previous condition before the unauthorised development took place.
- The period for compliance with the requirements is: 12 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (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

Appeal A- 3325120

1. The appeal is allowed, the enforcement notice is quashed and a temporary 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 from equestrian to a mixed use of equestrian and a residential caravan site for a traveller family with associated domestic structures, amenity block, hardstanding, fencing, entrance pillars and gates and the use of an existing stable building for domestic purposes in connection with the residential use of the site; at Nutts Corner Stables, Pingot Lane, Frodsham, WA6 9FA, subject to the conditions in the schedule of conditions attached to this decision.

Appeal B - 3325122

2. The appeal is allowed and the enforcement notice is corrected by deleting the allegation and replacing it with "*the material change of use of the land from equestrian to a mixed use of equestrian and a residential caravan site for a traveller family with associated amenity block, hardstanding and fencing*". Subject to that correction the notice is quashed and a temporary 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 from equestrian to a mixed use of equestrian and a residential caravan site for a traveller family with associated amenity block, hardstanding and fencing; at Land to the West of Manley Road, Manley, Frodsham, Cheshire, WA6 9ED, subject to the conditions in the schedule of conditions attached to this decision.

Preliminary Matters

3. The appeal sites are adjacent and raise the same issues, so both were dealt with at the same inquiry. Various arguments that could best be described as ground (f) appeals were raised by the appellants during the Inquiry and I shall deal with these in the appropriate places. None were significant and the Council had opportunity to deal with them so there is no suggestion of unfairness.

4. The sites lie in the green belt to the south of Manley, a scattered hamlet. Pingot Lane joins Manley Road (B5393) and forms a shallow 'V' shape within which lie the two appeal sites. They were originally agricultural land, probably paddocks similar to the surrounding fields, but planning permission was granted on both sites for small stable blocks, access track and hardstanding. The lawful use of Mr Price's land (the Pingot Lane site) is thus equestrian. Whether the other stable permission was ever implemented is a matter of dispute and I shall deal with the use of Mr Evan's land (the Manley Road site) below.

Main Issues

5. There is no dispute the gypsy sites are inappropriate development in the green belt, but the impact on openness and on the landscape is in dispute. Other

issues are the implementation of the Manley Road stables permission; impact on the landscape; whether the location of the site encourages travel by other than private car; the impact on the setting of the listed Manley Knoll, intentional unauthorised development, previously developed land and, perhaps most controversially, whether there has been a failure of policy are also all matters at issue.

Reasons

Implementation of the Manley Road stables permission

6. The timeline here seems to be that an access to Manley Road was formed and a track built towards the north-west corner of the site where a stable was going to be built. Then planning permission was granted for the stable building which included the already constructed access and track. The planning permission[1] granted includes the standard condition that it must be commenced within 3 years (that is by June 2025) and in accordance with a specific drawing (2 RevB, May 2022). The permission does not mention that it is part retrospective, but the access and track on RevB are the same as those already constructed. Caselaw[2] suggests that works comprising a material operation sufficient to keep a planning permission alive could be carried out before the grant of planning permission as long as the works were the same as that covered by the planning permission. This is effectively commonsense, so that the planning permission was commenced as soon as it was granted in June 2022, by the works that already existed on the ground which were made lawful by the grant of that planning permission.

7. Subsequent works to build the stables are a different matter. It was agreed on site that the stable building was not in the right place. It should have been built further away from the corner and it seems that no part of its as-built footprint overlaps with that shown on the plan. Also it is longer than approved and contains a third sub-division which has been turned into a bathroom. In my view the stable building is clearly not that which was granted planning permission and so is unlawful. But given my conclusion above the permission itself was lawfully implemented and so remains alive. This is further reinforced by the judgement in Hussein[3] where the court held it was possible to commence a development for the purpose of s56 and then later to deviate from the planning permission in a manner that later becomes an enforcement issue, without retrospectively altering the fact that the commencement of the development had occurred for the purposes of s56.

8. It is important to be clear about the differences between 'commencement', 'implementation' and 'completion'. If part of a development is incapable of being completed than the whole can be considered unlawful, regardless of whether it was commenced lawfully. That is not the case here where the stable building can easily be rebuilt in the correct place and to the correct size. Another judgement, Commercial[4] Land was relied on by the Council, but this can be differentiated from the situation before me. That case concerned whether works to add an extra floor to a building were in accordance with the plans. The first Inspector was found to be in error because he just looked at

[1] 21/04508/FUL issued 15 June 2022
[2] South Gloucestershire v SSETR & Alvis Brothers ltd [1999] JPL B99
[3] Hussein v SSCLG [2017] EWCA Civ 1060
[4] Commercial Land Ltd v SSTLR & Kensington and Chelsea RBC [2002] EWHC 1264 (Admin); [2003] JPL 358

the differences and did not consider the development as a whole. Did what had been built differ materially as a whole from the plans so that it could no longer be said to be '*comprised in the development*' for the purposes of s56? A second Inspector concluded the walls as built were substantially different from those shown on the plans and clearly had not been built to implement the planning permission but for another purpose. This was held to be impeccably reasoned. In this appeal the access track is clearly comprised in the development and so the issues raised by Commercial Land do not arise.

9. This is all somewhat of a red herring as whatever the outcome of my deliberations above, there is no dispute the stables permission is still extant as it is not time expired, but it could have ramifications for the hidden ground (f), for the green belt issue as discussed below and the wording of the allegation which will require correction.

The green belt issue

10. The area is predominantly open countryside with a scattering of farms and houses. In Manley, this scattering coalesces sufficiently to be given a name and includes an infant school and church. Most of the houses in the immediate surroundings are possibly Edwardian or inter-war, and I saw little post-war development and the area was described as being substantially unaltered for many generations, which would seem a reasonable description to me. It is exactly the sort of intermingled agricultural and built environment that the green belt was designed to protect as it is vulnerable to infilling and consolidation. There was a later argument that even if some gypsy sites would have to be in the green belt, not all parts of the green belt were equal. I would argue, for the reasons given above, this was a particularly important part of the green belt to protect.

11. As to the question of openness, I accept the fallback position is that both sites would have stables on them, and potentially, other equestrian related temporary structures. They would remain fenced, but not necessarily with 2m close boarded fencing around the edge. In fact I find it highly unlikely that anyone would erect a 2m close boarded fence around a paddock where horses were kept and I do not agree with the appellant's contention that such fences are typical of the area. It may be possible to find other examples (although I did not see any), but that is not the same as suggesting they form part of the local character. Thus the green belt here should just comprise a couple of paddocks with small stable buildings on them, a small area of hardstanding and some post and rail fences. Very similar in fact to many other fields in the area.

12. This is wholly different to the creation of two residential pitches with large mobile homes, touring caravans and various cars and vans parked, large areas of hardstanding, kennels, chicken sheds, amenity buildings and most importantly, all the paraphernalia associated with residential uses. The impact on openness is thus significant. Obviously, the sites are modest and take up only a very small part of the green belt, but given that, the difference between what ought to be there and what is, is significant.

13. There is also the question of the harm to the purposes of including land in the green belt, in this case, encroachment into the countryside. The appellants accepted there was some encroachment but this was only minor because of the stables and the re-use of previously developed land. I have dealt with the stables above and the same conclusions regarding openness are applicable to

encroachment, the residential uses have much greater impact than the equine uses and so there is significant encroachment. I was never quite sure where the previously developed land argument was leading. It was not argued the developments were not inappropriate because they met criterion 154(g) in the NPPF – that they were redevelopment of previously developed land that didn't have an impact on openness so I can only assume it was a reference to paragraph 26(a) of the PPTS that weight should be attached to the re-use of previously developed land. I shall deal with that later.

14. In terms of the green belt therefore the developments are inappropriate and so by definition are harmful, they have a significant impact on openness and on encroachment into the countryside.

Impact on the landscape

15. The landscape is also attractive, gently rolling and sloping down towards the distant estuary of the Mersey. The Sandstone Trail runs along Manley Road past the two sites, which encourages access to the locality and the area is being considered as a potential AONB. This last designation, if it is to be made, is still some way off and I give it little weight, but it does support my impression that the local landscape is more attractive than the average.

16. Policies ENV6 and STRAT9 seek to ensure that development in the countryside respects local character and does not harm the countryside. The two gypsy sites stand out as alien intrusions. Even if the fencing was replaced, the introduction of mobile homes and all the additional vehicles and buildings as described above would be harmful and the development is contrary to ENV6 and STRAT9.

Locational sustainability

17. The sites are on the edge of Manley, which contains an infant school but nothing else. They are over a mile from the station at Mouldsworth which has a direct line to Chester. They are between 3 and 4 miles from Helsby, which is the local service centre with a Tesco and other shops, doctors, dentists, schools etc.

18. Policy SOC4 is the Council's windfall gypsy site policy and it contains a bullet-point "*be accessible to local services and facilities by walking and/or public transport*". This aroused considerable discussion as to whether it meant 'reasonably accessible' or 'all' rather than 'some' facilities. For example the appellant argued they could (and did) walk to the station at Mouldsworth to catch a train to Chester. It would then be possible to catch another train to Helsby, do their shopping or visit the Doctor, then back to Mouldsworth, via Chester. It was reasonably suggested this was completely ludicrous and no-one would do that. Nevertheless, strictly speaking, all local services were accessible by walking and public transport.

19. In my view the policy clearly needs some reasonable interpretation, which is acceptable where the wording is unclear or ambiguous. It must mean that a *reasonable range* of facilities should be *reasonably available* by walking and public transport. I do not think they are in this case and the private car is bound to be used for trips to Helsby where most facilities lie. Nevertheless, I was referred to a number of other appeal decisions where similar issues arose and Inspectors took a slightly more relaxed view. This was based on the

recognition in the NPPF[5] that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that the PPTS clearly envisages some gypsy sites will be in the countryside and that nowhere in the PPTS does it say sites should be accessible to facilities other than by car. Indeed it says Council policies should reflect the extent that having a settled base can reduce travel as the occupiers can travel back and forwards to one place rather than wander around the country[6].

20. There is therefore an inherent tension between the Council's spatial strategy for gypsy sites as set out in SOC4 and the general thrust of the NPPF and PPTS. It was argued that the local plan was found sound and so SOC4 should be applied as it is written. However, I do not think this is quite the trump card it was suggested. SOC4 clearly needs some interpretation, and there is no evidence before me that it received the same forensic analysis at the local plan inquiry that I benefitted from. On balance therefore I accept that in the wider context of government policy the site does not fail the test of whether it is sustainably located or not, it is close to a reasonably sized local centre for short car trips and a nearby city is accessible by train.

The setting of Manly Knoll

21. Manly Knoll is a listed building located someway to the north of the site. It is a large country house (probably Arts and Crafts) set within recently restored extensive gardens. It is on a ridge with wide views across the countryside to the west towards the Mersey estuary. From the gardens, the appeal sites are visible, although somewhat distantly. In particular one of the mobile homes, which is white, stands out. They are certainly within the wider countryside surroundings of the listed building, but I think it is a stretch to suggest they are within its setting in the way the term is used in the NPPF. The gardens are not perceived from the appeal sites, but because of its elevated position a huge swathe of land is perceived from the listed building. This does not all comprise its setting. Even if the sites do lie within the setting of the listed building, they are so distant that the addition of the residential uses does not harm that setting.

Intentional Unauthorised Development (IUD)

22. There was some dispute about the WMS[7] on intentional unauthorised development. However, the fact that it has not been reviewed, nor incorporated into any revisions of the NPPF or PPTS, does not detract from the fact that it remains in place as an expression of government policy. Nothing has happened in the interim to suggest that government policy towards IUD, particularly in the green belt, has softened, and in my view this remains a material consideration that attracts weight in the planning balance.

23. In this appeal both families moved onto the land in full knowledge that they required planning permission to do so. Permission was not sought until after the works to create two pitches were already well underway, so this was clearly an example of IUD.

[5] Paragraph 109 of the 2023 version
[6] PPTS 25 and 13(h)
[7] Green Belt protection and intentional unauthorised development: Written statement – HLWS404 17 December 2015

Previously developed land?

24. It was argued that both sites comprise previously developed land. As noted above there was not a green belt argument here but a paragraph 26(a) of the PPTS issue. Weight can be given to the effective reuse of brownfield sites. However, there is no effective re-use of these sites as the original use for stabling and grazing horses remains alongside the new residential use. Consequently I do not think 26(a) is relevant in these appeals. Also the developments here do not align with the definition of previously developed land in the NPPF; "*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed) and any associated fixed infrastructure*". The permanent structures here are the stables and the small area of hardstanding that was permitted around them, along with the access tracks. All of these remain and are not being redeveloped. The curtilage of a stables is the parcel of land intimately associated with it. I do not agree this is the red line of the original stable applications as this covered the entire paddock in each case. If anything the curtilage is restricted to the area in front of the stables that is hardstanding, and which is necessary to enable the stable to function. At a stretch it might encompass the access track as well. But as the residential uses take up much more of the sites than this then the developments spread beyond the previously developed land, assuming there is any previously developed land at all.

Supply of sites and 'policy failure'?

25. The Council accepted they did not have a 5-year supply of sites, although that acceptance was somewhat reluctant. The SOCG quotes from a recent appeal decision[8] at Tarporely Road, that there is "*a high probability that there is likely to be a shortfall in the 5-year supply of pitches*" and that is the Council's position. However, the SOCG also quotes from another decision[9] at Little Meadow, that "*there has been a failure of policy to make adequate provision of sites*". The Little Meadow decision was made when the definition of gypsies in the PPTS excluded those who had ceased travelling for reasons of educational, health or age. The figures of the GTAA were challenged as being too low and it had not then undergone a public assessment. Since then it has undergone such an assessment and forms the basis of the Council's gypsy policy. However, also since then, the Lisa Smith[10] judgement has found the definition to be discriminatory and the PPTS has been changed accordingly. Because of this the appellant argues the Council are still suffering from a policy failure. The Council rebut that and argue they were simply following government policy and cannot be faulted for doing so. The revised PPTS was only a few months ago so the Council cannot reasonably be expected to have devised a new policy since then.

26. There is no doubt in my mind the Council now face the problem of finding a large number of sites. The GTAA found there were 21 households that met the then definition in PPTS for the period 2017-2030[11]. There were also up to 54 unknowns and 56 who did not meet the definition. It was never clear why the number of unknowns was expressed as a range from 0-54. It hardly seems

[8] APP/A0665/W/23/3330039 Tarporley Road, issued 27 February 2024
[9] APP/A0655/W/15/3129221 Little Meadow, issued 30 January 2019
[10] Lisa Smith v SSLHC & NW Leicestershire Council [2022] EWCA Civ 1291
[11] Taken from Figure 2 of the GTAA

realistic that of all the households that couldn't be interviewed none would turn out to be gypsies at all. Nevertheless Figure 50 deals with the 'unknowns' specifically and identifies a need for 58 pitches in the slightly longer period up to 2032 and includes a need for 13 pitches immediately. I would suggest that a figure of 131 (21+54+56) is a reasonable estimate of the demand in the period 2017-2030 as evidenced in the GTAA. But as the appellants point out the GTAA is now 6 years old and relies on an evidence base that is older still.

27. The Council have in the past relied on the GTAA figure of 21 households and so saw no need for a specific allocations policy, relying on SOC4 which deals with windfalls. 29 permanent pitches have been provided since 2018 either on appeal or by the Council, there are outstanding applications for a further 20 pitches and 15 permanent pitches have been refused or withdrawn. This would suggest two things to me, that SOC4 was an effective way of dealing with a need for 21 pitches but that 21 was clearly an underestimate. This was also the message from Inspectors on several occasions since 2019. The Council have always had a duty to find pitches for the gypsies who fell outside of the definition but how this was to be planned for is unclear. Since the Lisa Smith[12] judgement in late 2022 it has been clear that all those 'non-definitional' gypsies would need to be included somehow, there was no need to wait for the Government to officially change the definition. It was announced at the Inquiry that the Council have just begun the process for a new local plan and it was assumed there would be a new GTAA as well but there are no dates planned for this process as yet.

28. Pulling all this together it seems to me the Council, by putting all their eggs into the SOC4 basket, have left themselves with a serious problem in finding sufficient gypsy sites over the next few years. It will be some time until a new GTAA is produced and until then they are forced to rely on a windfall policy for possibly up to 100 pitches. This does not suggest sensible planning at all. It could easily have been foreseen over the last few years but still nothing has been done. It is difficult to see how this is anything other than a failure of policy.

Other Matters

29. As is clear from the discussion on policy above there are no alternative sites available for the appellants. There is a vacancy on one of the Council's public sites but there is a waiting list for this so the pitch is not available. There was some discussion as to whether the appellants should have been on the waiting list, but I am persuaded their reluctance to do so was well founded, given their desire to travel together as a family and to provide a paddock for their horses, never mind the arguments as to the suitability of the site for children.

30. Rather obviously all the land in the District that isn't urban is countryside, but of that, 42% is green belt. It was accepted in the SOCG that some gypsy sites will be likely to be in the green belt and this doesn't seem controversial to me. But I agree with the Council that not all green belt sites are equal.

31. The personal circumstances of the two families are clearly of great weight. There are 7 children on site, all of whom either attend school or are about to, with an eighth on the way. I heard from both mothers the desire they had for schooling for their children, something that wasn't available for them. This of

course also engages the best interests of the children which is a primary consideration, and clearly their best interests are served by a settled base.

32. The appellants human rights are also engaged, Article 8 gives everyone a right to respect for family life and a home. Any interference with this should be proportionate.

33. Article 14 was also raised, which is the prohibition of discrimination. The appellant argued that the Council was actively discriminating against Gypsies because it had over 11 years supply of housing land for the settled population but nothing for the travelling community. For there to be discrimination the Council would have to treat people in relevantly similar situations differently. This was not discussed in any detail at the Inquiry and I do not think that the settled population is in a relevantly similar situation. They can live in any dwelling (subject to affordability) and if they can't afford one the Council can house them in any accommodation. This is not the case with travellers who need to live in a caravan (or similar) so the options for housing are drastically reduced. At the same time there is an enormous house building industry and lobby looking for housing land and applying for permissions to build houses for which there is a significant demand in Cheshire. So it is not surprising the Council has reacted in a different way to house building as to caravan sites. They may have been guilty of a failure of policy towards gypsies but that is not the same as saying they have been actively discriminating against them.

The Planning Balance

34. The developments are inappropriate in the green belt, harm openness and encroach into the countryside. I attach substantial weight to these harms. They also harm the countryside and are contrary to ENV6 and STRAT9. I attach considerable weight to this also. I do not think the sites are locationally unsustainable, nor harm the setting of Manley Knoll, but they are IUD. On the other side of the balance the Council does not have a 5 year supply of sites, there are no alternative sites and there has been a failure of policy, to which I attach considerable weight. I also accept that some gypsy sites will have to be in the green belt. It was argued the sites were entirely compatible with ROC4, but that is not the case as one criterion was, they should not be in the green belt unless very special circumstances existed. That is not the case here as the harms I have identified clearly outweigh the factors in favour of allowing the permissions.

35. I therefore need to consider the personal circumstances of the appellants to which I attach great weight and the best interests of the children which would be to allow them to remain here. Nevertheless, as I have outlined above, I consider this to be a particularly defensible part of the green belt. Mr Nicholls, representing the Parish Council expressed deep sympathy for the plight of the appellants but argued they had simply chosen the wrong site, and I would agree with this sentiment. I believe this leaves the argument finely balanced. As there are two appeals here, I could allow one and not the other. By removing one site the direct impacts will be lessened, but the remaining site would still be harmful for all the same reasons. The families are also closely related and would not want to be separated.

36. I was also asked to consider a temporary planning permission. It is well known that a temporary consent causes less harm to the green belt as it is for a limited number of years. Given the Council are only now embarking on a

reconsideration of their local plan then 5 years would seem to be a reasonable time limit for the policy environment to change sufficiently to enable more appropriate sites to come forward.

37. Taking all these matters into consideration I think that it would be acceptable to interfere with the appellants human rights to prevent a permanent planning permission on this land because of the weight I attribute to the harms I have identified, but it would be disproportionate to do so for a temporary permission of 5 years. I shall allow the appeal accordingly. The hidden ground (f) does not need to be considered nor the ground (g). I shall correct the allegation on Appeal B to reflect the existing equestrian use.

Conditions

38. A set of conditions was agreed at the Inquiry. Although this is a temporary permission, it is personal to the appellants and the number of caravans and commercial uses still need controlling. I do not think any changes to the layout of the site are needed, but cladding the white mobile home on the Manley Road site to look similar to that at Pingot Lane is necessary as is either screening of the close boarded fences or their removal and replacement with something less intrusive. Foul and surface water still needs sorting out, lighting needs controlling and the relevant bird and bat boxes need installing, but none of this would be onerous for a 5 year permission.

Simon Hand

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Counsel for the appellants: Alan Masters
He called
Lucy Evans
Raquel Price
Mike Carr MSc, MRTPI

FOR THE LOCAL PLANNING AUTHORITY:

Counsel for the Local Planning Authority: Piers Riley-Smith
He called
Nial Casselden MRTPI

INTERESTED PARTIES:

Alyn Nicholls BA(Hons) MRTPI on behalf of the Parish Council

DOCUMENTS

1. Policy R1
2. Craven local plan
3. Council's openings
4. Representations of Mr Nicholls on behalf of the Parish Council
5. Schedule of conditions
6. Council's closings
7. Appellants' closings

Schedule of Conditions

For Appeal A Ref: APP/A0665/C/23/3325120

1. The development hereby permitted shall be occupied only by Mr and Mrs Price and their resident dependants. When the premises cease to be occupied by those named persons the use hereby permitted shall cease and all caravans, materials and equipment brought on to the premises in connection with the use shall be removed.

For Appeal B Ref: APP/A0665/C/23/3325122

1. The development hereby permitted shall be occupied only by Mr and Mrs Evans and their resident dependants. When the premises cease to be occupied by those named persons the use hereby permitted shall cease and all caravans, materials and equipment brought on to the premises in connection with the use shall be removed.

For both Appeals APP/A0665/C/23/3325120 & APP/A0665/C/23/3325122

1. The use hereby permitted shall be for a limited period being the period of 5 years from the date of this decision. The use hereby permitted shall be discontinued and the land restored to its former condition on or before the expiry of the 5 year period in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

2. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).

3. No more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 no. shall be a static caravan) shall be stationed on the site at any one time.

4. No more than one commercial vehicle for use by the occupiers of the two gypsy pitches hereby permitted shall be stationed, parked or stored on either site.

5. No commercial activities shall take place on the site, including the storage of materials.

6. The use hereby permitted shall cease and all caravans, equipment and materials brought onto the land for the purposes of the use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to v) below:

   i) Within 3 months of the date of this decision a Site Development Scheme for the site (the SDS) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation. The scheme shall include the following details:

a) the internal layout of the site, including the siting of mobile homes, sheds or other structures and the proposed boundary fencing;

b) (for Appeal B – 3325122 only) the proposed cladding of the mobile home in the Manley Road site;

c) external lighting of the site;

d) tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities. The planting shall take place in the first available planting season in accordance with the approved details. Any trees, shrubs, plants or hedges planted in accordance with the scheme which are removed, die or become diseased or seriously damaged within 5 years of completion of the approved scheme shall be replaced by trees, shrubs or hedges of a similar size and species to that originally approved;

e) surface and foul water drainage details;

f) bat and bird boxes (to be retained in perpetuity).

ii) If within 6 months of the date of this decision the local planning authority refuse to approve the 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 scheme shall have been approved by the Secretary of State.

(iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved SDS specified in this condition, that scheme shall thereafter be retained. No structures, buildings or hardstanding other than those shown in the approved scheme are permitted.

(v) 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.