

Appeal Decision

Hearing held on the 21 June 2016

Site visit made on 21 June 2016

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 September 2016

Appeal Ref: APP/R0660/W/15/3137298

The Oakes, Mill Lane, Smallwood, Sandbach, Cheshire, CW11 2GD.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs K Fury against the decision of Cheshire East Council.
 - The application Ref. 14/2590C, dated 19 May 2014, was refused by notice dated 24 June 2015.
 - The development proposed is the change of use of land to use as a residential caravan site for 4 gypsy families, each with two caravans, erection of two amenity buildings, and the laying of a hardstanding.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to use as a residential caravan site for 4 gypsy families, each with two caravans, erection of two amenity buildings, and the laying of a hardstanding, at The Oakes, Mill Lane, Smallwood, Sandbach, Cheshire, CW11 2GD, in accordance with the terms of the application, Ref. 14/2590C, dated 19 May 2014, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are:
 - Whether the development proposed accords with development plan policy and the provisions of the national Planning Policy for Traveller Sites (2015) (PPTS) for the location of such development;
 - The impact of the development on the character and appearance of the surrounding landscape;
 - Whether any harm arising from the proposal would be outweighed by other considerations weighing in favour of the development including the need for sites, the availability of alternative accommodation and the personal circumstances of the appellant and wider family.

Reasons

Background

3. The appeal site comprises about 0.43ha of land which lies on the corner of Newcastle Road (A50) and Mill Lane and forms part of a larger area of agricultural land owned by the appellant's family. The land is mainly open and surrounded by

trees and hedges and with occasional heaps of deposited building material. There is vehicle access to Mill Lane. I would describe the surrounding area as open countryside with scattered houses and rural businesses particularly along the main road. The nearest settlement is Smallwood which has a dispersed form with scattered groups of houses and a school and church. I consider the relationship of the appeal site and to the village and its local services in more detail in the paragraphs below.

4. The appeal site has no special designation for landscape or ecological value nor is it designated as Green Belt.
5. It is proposed to develop a residential caravan site for 4 gypsy families, each with two caravans, together with the erection of two amenity buildings and the laying of a hardstanding.
6. The planning history of the site is relevant to this appeal. Mr R Fury sought permission for the retention of a caravan site for one gypsy family in 2003. An appeal against the then Council's refusal was considered under ref. APP/B0610/A/03/1121929. The appeal was dismissed in April 2004 principally on the grounds of the harmful effect of the use on the landscape of open countryside and the location of the site beyond a reasonable distance from local services and facilities, which conflicted with policies then applying. It was held that these harmful effects outweighed the benefit of the site contributing to meeting a general need for gypsy accommodation in Cheshire.
7. Planning permission was granted in 2013 for the erection of an agricultural storage building on the appeal site under ref. 12/1038C. The appellant's agent says that the erection of this building was started within the three years specified in condition No. 1. At my site visit I noted the many holes that had been dug and filled with a concrete base to form a foundation. These holes appeared to coincide with the position of the metal frame of the building shown on the approved plans of that permission. Some local residents felt that the building work had occurred about February of this year and wondered if this construction work was outside of the terms of the permission. The permission expired on the 18 March 2016 and on the basis of the evidence put to me and what I observed on site, I am satisfied that the erection of the agricultural building commenced in accordance with the permission and is now extant.

Gypsy Status

8. The definition of 'gypsies and travellers' is set out in Annex 1 to the PPTS. At the start of the Hearing I asked the appellant's professional representative and her son to set out the background to the 4 families' "nomadic habit of life" as it appeared that the appellant had lived in a settled house for some time.
9. Mr Fury explained that the wider family came from a stock of both Irish Travellers and Romany Gypsies. His mother had lived in a settled house in Winsford since 2006 because of her age, infirmity and health problems. Nevertheless, despite these problems she and her partner have not given up a nomadic habit of life as a gypsy and it was usual for them to sleep overnight in the caravan in the garden of the house rather than sleep inside the house.
10. The appellant's son Russell and his family have lived in a mixture of houses and caravans, including the static caravan at the appeal site from time to time but within the last 5 years have travelled around in a touring van for 3-4 months a

year to look for work as a roofer. The same applies to her son Craig who lives in a caravan with his family and is away for 3-4 months a year for work including leafleting. The appellant's grandson Alex and his family have no settled house and at the moment travel all of the time for work.

11. It was also stressed by the appellant's son that the four family pitches proposed would facilitate the families nomadic way of life where families could look after one another, and provide care between the generations and for their health needs, and have a settled base for the children's education, while others in the family, normally the men, continued to travel to find work away from the local area.
12. On the basis of the written evidence provided in the appellant's agent's statement, as amplified orally at the Hearing by Mr R Fury, I am satisfied that the adults who make up the 4 four families that would occupy the proposed gypsy caravan development have a 'nomadic habit of life' and for planning purposes have the formal status of gypsies as defined in the PPTS. This status was not challenged by any other party at the Hearing.

Policy context

13. The development plan comprises saved policies in the Congleton Borough Local Plan First Review adopted in 2005. I will consider whether the relevant policies accord with the more recent Framework within the issues below. The Council is also preparing a new Local Plan Strategy which has been submitted to the Secretary of State. However, the Council accepted at the Hearing that the plan could change as part of the formal preparation process and it has not yet been examined and found to be 'sound'. I am therefore not able to place any meaningful weight on this emerging plan at this stage.
14. The local community have also referred to the Smallwood Village Design Statement, but this local document has not been prepared through the formal plan making process and does not have the status of a Development Plan Document or a Neighbourhood Plan. I can therefore only afford it very limited weight.

Accord with locational criteria in national and local policies

15. The site lies in an area which I have described as open countryside. Saved policy PS8 seeks to protect the character of open countryside and limits new development to specified categories which do not include development for gypsy needs. The proposal conflicts with this policy but neither the Framework nor the PPTS wholly restricts gypsy development in open countryside although paragraph 25 of the PPTS indicates that new traveller development in open countryside that is away from settlements should be very strictly limited. I will deal with this aspect in relation to policy H8.
16. In terms of saved policy H8 this applies to 'Gypsy Caravan Sites' and advises that planning permission will be granted for temporary or permanent sites provided 10 stated criteria are met. Much of the discussion at the Hearing related to these criteria which I will consider in turn.
17. In respect of criterion (i) regarding 'the amenity of local residents', it is not clear to me what "unacceptable consequences for the amenity of nearby residents" means. However, as the effect on the landscape is a different criterion, I take it to mean the direct effect on the amenity or living conditions of the occupiers of nearby residential properties in terms of causing overlooking and loss of privacy or by causing noise or disturbance, rather than just involving the residents being

able to see the presence of a gypsy site from their own property. From my observations on site and of the surrounding area, it appeared to me that the site is reasonably well away from other residential properties along the A50 and Mill Lane, at over 75m away. The closest property is on the other side of the A50 Newcastle Road and the appeal site is well screened from this direction. Overall, I am satisfied that the proposal would not have a harmful effect on the amenity or living conditions of nearby residents.

18. For criterion (ii) about green belt or other special designations, it is agreed that the site does not lie within any of the special designations mentioned.
19. Regarding criterion (iii) concerning the 'value of the landscape' I observed at my visit that the site is well contained and screened along the A50 boundary and much of the Mill Lane frontage by substantial and native hedging and other vegetation. Although some of the static and touring caravans proposed would be visible though the site access along part of the public realm along Mill lane, the local rural landscape is characterised by other small groups of buildings and hamlets and in my view the scale of development proposed would not be out of character with nor would it detract from the value of this landscape. The proposal therefore satisfies this criterion.
20. I make a similar assessment in terms of criterion (iv) about the landscaping of the site, which is well screened along the A50 frontage and along most of the frontage to Mill Lane. The north-west boundary of the site with other land in the appellant's ownership is not well defined and this edge would benefit from further landscaping which can be required by a planning condition. Overall, I am satisfied that the site is adequately screened and can be further enhanced by new planting.
21. Criterion (v) relates to parking and access to a public highway and I note that the highway authority did not make adverse comments on the application. The site is large enough to accommodate the normal parking needs of four families and there is adequate space on site for vehicles to enter and leave the site in a forward gear. Further, the access to Mill Lane exists and it appeared to me to have reasonable visibility. This criterion is therefore met.
22. Criterion (vi) says that adequate on-site facilities and services to serve all of the caravans have to be provided. The proposal includes two amenity blocks and the application forms indicate a package treatment plant will be installed for the disposal of foul sewerage. Despite local concerns about the adequacy of any system, there is no evidence before me to demonstrate that the principle of proper drainage from the site will not be achievable. I therefore have no reason to doubt that all of the necessary services to the site can be provided in accordance with the criterion.
23. Regarding (vii), concerning the effect on other local plan policies, with the exception of saved policy PS8 which I have discussed above, and landscape saved policies GR1, GR2, and GR5 which will be considered under the next main issue, it has not been shown that the proposal would prejudice any other relevant local plan policy.
24. There is no evidence that the proposal would conflict with any utility company or agricultural interests and therefore criterion (viii) is complied with.
25. Criterion (ix) says that gypsy caravan sites should 'avoid wherever possible encroachment on the open countryside'. The policy appears to have been drafted

to allow some exceptions and there is also a judgement to be made as to whether any proposal involves encroachment as opposed to just have a location in the open countryside. Moreover, I have discussed in relation to saved policy PS8 (in paragraph 15 above), that the terms of the policy conflict with current guidance in the PPTS in respect of the test of being in the open countryside away from existing settlements. This reduces the weight that can be given to the criterion.

Nevertheless, I have under other criteria concluded that the site is reasonably well screened and does not conflict with the existing scale and the pattern of scattered development in the countryside. As such I do not view the proposal as a visual or physical 'encroachment' into open countryside.

26. Finally, criterion (x) says that a new gypsy site 'is, wherever possible, within 1.6km (1 mile) of existing shops, community facilities, primary school and public transport facilities.' There is some conflict between this requirement and the PPTS, which does not put forward any distance restriction to help define the term 'away from' in relation to the siting in open countryside. This restricts the weight that can be applied to criterion (x).
27. Notwithstanding this, there was much discussion at the Hearing on the actual distances involved. I have had regard to the schedule of distances prepared by a local resident with the distances to various services measured 'as the crow flies'; by the lanes; and on main roads. To my mind the distances 'by the lanes' are the most appropriate as the usual way of travel by the local community. My own observations indicated that the primary school, village hall, and a church were just under a mile away from the appeal site. While some pubs and a bus route were much closer there was not a shop locally.
28. The appellant's agent has also submitted a number of other appeal decisions which show how other inspectors have considered the relationship of a proposed gypsy site with a settlement and I have had regard to the general tenor of these judgements.
29. Given the dispersed nature of the settlement of Smallwood and the location of local facilities and services, when considered in the round I am satisfied that the proposed site would satisfy the criteria in (x) and would not be 'away from' an existing settlement in open countryside in relation to the terms of the PPTS.
30. Overall on this issue, I find that the location of the gypsy site would conflict with saved policy PS8 of the Local Plan, as it is not one of the stated exceptions of development in open countryside, and the proposal would not accord with the Smallwood Village Design Statement, but the proposal would broadly accord with the relevant criteria set out in saved policy H8 in respect of the location of gypsy sites.

Effect on the character and appearance of the local landscape

31. This issue relates to the formal reason for refusal and where the relevant saved policy is GR5. Policies GR1 and GR2 are more general in terms of development requirements but still refer to landscape impact as one of the criterion for acceptable development. Policy GR5 indicates, amongst other aspects, that development will not be permitted where it would be likely to impact adversely on the landscape character of the area or would unacceptably obscure views or

unacceptably lessen the visual impact of significant landmarks or landscape features.

32. Although the Inspector in the 2004 appeal considered that the then single caravan and the domestic paraphernalia would be visible from points along the A50 and would detract from the surrounding landscape, the impact on the ground appears to have changed materially in the intervening years by the hedging along this main road frontage becoming thicker and complete. In my view the proposed development would hardly be noticeable in the landscape along this frontage for most of the year because of the evergreen nature of the hedging.
33. There is also a high, mostly holly, hedge along part of the Mill Lane frontage. The proposed caravans and the utility buildings would be seen in the open gap in the frontage around the access but the visual impact of the overall development in the landscape would be limited and very local. Further, the proposed layout plan indicates new shrub planting either side of the access and such landscaping would be likely to help limit the landscape impact. Further, at my visit on and around the application site, my attention was not drawn to, and it did not appear to me that there were, any significant important landscape views over the application site that the proposed development would interrupt.
34. Overall on this issue, I find that most of the appeal site is well screened in the landscape and at worst the proposed gypsy site would have a limited and local adverse effect in the context of policy GR5 which could be mitigated in part by additional planting.

Provision and need for gypsy and traveller sites

35. In general terms the PPTS requires Councils to establish the accommodation needs for gypsies in the wider area to inform the preparation of plans and make planning decisions. Further, Councils should be able to identify and update annually a supply of specific and deliverable sites sufficient to provide 5 years' worth of sites against the locally set targets.
36. In this case the Council accepts that it does not have a formal adopted development plan document that sets out the objectively assessed need for gypsy accommodation and the provision of the supply of sites. Nevertheless, at the Hearing the Council tabled an extract of a recently published officer report to the Planning Committee of two current applications for gypsy sites elsewhere in Cheshire East. In this evidence the section under 'Social Sustainability' deals with gypsy 'need'. The report makes reference to a study undertaken in 2013 which identifies the accommodation needs for gypsies and travellers in the wider region up to 2028. Within this, it estimates that 69 permanent pitches are required overall and of these 32 pitches are needed in the five years to 2018 and an additional 17 pitches to the end of 2023. The Committee report goes on to mention some permanent 24 pitches which are said to have been permitted by the Council to help meet the first five year requirement.
37. The appellant's agent casts doubt over the provision of some of these permissions and stresses that the emerging plans have not been subject to the scrutiny of Examination. Further, it appears to me from the simple data put forward that the Council's own information shows that a five year supply of deliverable sites cannot be demonstrated at the moment.

38. Local people also suggest that there are other gypsy sites available in the locality which could meet the needs of the appellant and her wider family. The sites mentioned are at Asbury, Brereton, Middlewich, Sandbach, and Winsford, however, the appellant's agent had knowledge of these sites and cast doubt on the availability of other private sites to accommodate the appellant and her family. The limited evidence put to me in writing and as discussed orally at the Hearing does not paint a clear picture of alternative accommodation being readily available to meet the appellant's family needs.
39. I conclude on this issue that while the Council cannot demonstrate a five year supply of available sites to meet an identified formal local target, contrary to the requirements of the PPTS, the limited information available suggests that at the moment there is a need for additional permanent private gypsy sites that is not likely to be fulfilled in the near future by permitted schemes. Further, it has not been reasonably demonstrated that at the moment there are existing sites available in the wider area that could reasonably meet the needs of the appellant and her wider family.

Personal circumstances

40. The personal circumstances of the appellant and her own family, the families of her two sons and her grandson are set out in section 5.23 of the appellant's agent's statement and were amplified by Mr Fury at the Hearing. He said that the proposal would allow the wider family to live together and care for each other. The grandparents would be close at hand and could help look after the children. The development would give the families a settled base where the two children of school age could go to a settled school whereas their current life on the road led to difficulties ensuring continuity at school. Other children would reach school age soon. He also described the ill health of his wife and her need for family care and support.

Other matters

41. At the Hearing various matters were raised by the local community that do not form part of the Council's case. Local people said that the Smallwood CE Primary School did not have the capacity to accommodate more children. A letter from the Head Teacher of the School dated 27 April 2016 was tabled and this reiterated that the School is at 'absolute capacity'. The appellant's agent recognised the local problem of overcapacity in the school but noted that this had not been a barrier to the recent grant of planning permission for about 12 new houses in the settlement. In terms of the planning position, even with the capacity problem highlighted, the education of children is a statutory requirement and therefore I cannot give this issue the weight of being a substantial barrier to any development.
42. A neighbour also raised the possibility of bats being present on the appeal site and said that the proposed development may harm their habitat. In support of this Counsel tabled a Bat Survey undertaken in 2013 at the neighbour's own property in connection with a proposal to convert an existing building into holiday accommodation. The survey had indicated low levels of common pipistrelle, brown long-eared bats and noctule activity but concluded that there was no evidence of the building being used by roosting bats.
43. In connection with the appeal site I see this as being materially different to the circumstances involving the conversion of a brick and tile building in that the

proposal is to change the use of the land and site caravans and two small buildings. The only building that exists on the appeal site is a small wooden stable and that is not shown to have a different use. On the basis of my observations on site I do not consider that there is an overriding need for survey information to assess the presence of a bat habitat before a decision is made on this appeal.

44. Concern was also expressed about the site flooding and potential difficulties of the disposal of foul drainage given the nature of the sub-soil. However, while I understand the concerns raised no detailed evidence, expert opinion or objection from a service provider or statutory undertaker was put forward to demonstrate a significant local problem. I can therefore not put significant weight on this concern.

Planning balance

45. At the onset of considering the issues in the planning balance I have borne in mind the duty placed on me within the Public Sector Equality Duty. I have also considered the best interests of the children in the appellant's extended family as a primary consideration.
46. Bringing together my findings on the main issues, I have found that the proposal does not accord with saved policy PS8 of the Local Plan as the site lies in open countryside and a new gypsy site is not one of the stated exceptions for development. However, only limited weight can be placed on this policy because it does not wholly accord with the Framework and the PPTS. Moreover, I have found that the proposal broadly accords with the relevant criteria set out in saved policy H8 in respect of the location of gypsy sites. There is also accord with the locational criteria in the PPTS as I have found that the site is not 'away from' a settlement. Very little weight can be placed on the lack of accord with the non-statutory Village Design Guide.
47. I have also found that the Council cannot demonstrate formally a five year supply of deliverable new sites for gypsies at the moment. Moreover, it has not been demonstrated that there are alternative existing sites available at the moment that would accommodate the appellant's wider family needs. These factors weigh in favour of the proposal.
48. In terms of the local impact of the proposal, I have found that the site is well screened from the A50 and from much of Mill Lane. These are different local circumstances than those that appeared to have applied in 2004 when a previous Inspector concluded that the proposal then for a single gypsy caravan would be harmful to the landscape and open countryside location. The various static and touring caravans proposed and the domestic paraphernalia would be seen from part of Mill Lane but I judge this visual impact to be limited and local. The cluster of caravans would not be dissimilar to the existing pattern of other clusters of houses and dispersed farmsteads that form the local character of Smallwood.
49. In terms of the appellant's and families' personal circumstances it appears to me that a site where the four families could be together would enable them to live as a close extended family unit and there seems little doubt that a settled base would contribute to the well-being of the children and their education, notwithstanding the issue over the capacity of the nearest primary school. Such personal circumstances are a positive factor in support of the proposal to which weight can be given.

50. I have also taken account of the local objections, in particular that the remoteness of the site means that the proposal would not constitute sustainable development. However, the Framework makes clear that sustainable development is not just about location and accessibility but also needs to bring together the economic and social dimensions which are mutually dependent, and include making reasonable provision for 'housing' for all sections of the community. I am satisfied that the proposal constitutes sustainable development when the Framework and the PPTS are both read as a whole.
51. Overall, I consider that the limited and local visual impact and the lack of accord with saved policy PS8, and the other factors raised against the proposal, do not amount to significant adverse impacts and these are clearly outweighed by the need to provide recognised gypsy site permanent accommodation which meets the detailed locational criteria in policy H8 for gypsy sites in the development plan and national guidance. I will therefore allow the appeal.

Conditions

52. In terms of conditions, the Council recommends 11 which I will consider under the same numbering. No.1 is the statutory condition on the timing of the start of the development. It is reasonable and necessary that condition no.2 is imposed to stipulate the plans that are approved in the interests of clarity and the development must be undertaken in accordance with them. As an exceptional case is being made for the accommodation of gypsy families it is essential that the occupation of the caravans are restricted to gypsies only as defined in government guidance as in condition no.3. Similarly, the exact nature of the development permitted should be specified in the interests of clarity (no.4) and to ensure that a more intensive development does not take place as this could harm the character of the area.
53. Because part of the site is visible to the public realm it is reasonable and necessary that details of any external lighting on the site are submitted to the local planning authority and that other lighting is restricted to protect the appearance of the area (no.5). I have said in paragraph 20 above that as well as the existing landscaping the site would benefit from additional planting. It is therefore reasonable and necessary that a landscaping scheme is agreed with the Council and implemented (no.6). It is also reasonable that further details of the materials for the hard surfacing of the site and the access are submitted and agreed with the Council to ensure that the appearance of the site is satisfactory and in the interests of highway safety. (no.10)
54. As the site is not on mains drainage a condition is needed to ensure that details of the proper disposal of both foul and surface water must be submitted, agreed and implemented before the residential caravans can be occupied in the interests of avoiding pollution and flooding (no.7). It is also necessary to regulate the size of vehicles that can be stationed or parked at the site (no.8) and to prevent the carrying out of commercial activities in order to ensure that the appearance of the area is maintained and the living conditions of the occupiers of nearby properties are not harmed (no.9). Finally I agree that it is reasonable and necessary that the general rights to erect means of enclosure are removed so as to ensure that the site remains generally open as shown in the approved plans and to restrict development with a more intensive and intrusive appearance (no.11).
55. At the Hearing the local residents' Counsel also suggested that a condition be imposed similar to condition No.3 set out in annexe B to appeals

APP/J0405/C/13/2193582 and 2193601. This would have had the effect of requiring the permitted use to cease and the caravans to be removed from the land if any of the requirements of the subsections of the condition were not undertaken within the specified timescales. However it appears to me that the circumstances of these cases are not the same as the current case in that these cases involved enforcement notices where the development had already taken place. Although Mr Fury said that he and his family lived in the static caravan on the appeal site from time to time, I have not placed any material weight on this aspect and I have treated the proposal as new development. I am therefore satisfied that a condition similar to No.3 above concerning retrospective development is neither reasonable nor necessary and I will not impose it. Where further details of the development are required these can be achieved through conditions in their normal wording as set out in the saved part of Circular 11/95.

Conclusion

56. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr P Brown, BA (Hons) MRTPI Appellant's agent

Mr R Fury Appellant's son

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Barnes, BSc (Hons) Dip Senior Planning Officer, East Cheshire Council
UPI, MRTPI.

INTERESTED PERSONS:

Mr A Gill of Counsel, instructed by Butcher and Marlow LLP
Solicitors , representing Smallwood Parish
Council and Smallwood Residents Association.

Mr J Wray Ward Councillor and local resident

H Barber Smallwood Parish Council

Local residents

Mr P Whiting
Mrs M Fleet
Mr and Mrs C Bracegirdle
Mr and Mrs Lowe
Mrs C Dale
S Horrill
Mrs A Hughes
Mr and Mrs Osborne
S Lowe
D and S Critchley
H Baker

DOCUMENTS

- 1 Extract from Planning Officer report re application 15/5579/C and 15/5650/C re strategic need for gypsy sites and provision. (submitted by Mr Barnes)
- 2 Appeal decision 2215833 (Mr Brown).
- 3 Various maps of the area showing the location of local facilities (Mr Gill)
- 4 Copy of letter from Headteacher of Smallwood C E Primary School dated 17 April 2016 (Mr Gill).
- 5 Schedule of distances of services from appeal site to services prepared by Mrs Hughes (Mr Gill).
- 6 Activity Survey of Bats prepared by Absolute Ecology (undated) for Mrs Hughes concerning Chequer House. (Mr Gill).

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the details shown on the following submitted plans: 1:2500 Location Plan; 1:500 Site Location Plan; 1:100 Proposed Utility/Day Room; 1:20 Post and Rail Fence.
- 3) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites or any subsequent definition given in national guidance.
- 4) There shall be no more than 4 (four) pitches on the site and on each of the 4 (four) pitches hereby approved no more than 2 (two) caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed at any time, of which no more than 1 (one) caravan shall be a static caravan.
- 5) Before the development hereby permitted commences, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed at the site except in complete accordance with the approved details.
- 6) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

The details shall include the planting areas on either side of the access onto Mill Lane and of the hedges on the north-east boundaries of the site as shown on the submitted site plan.

The details shall also include planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities, and an implementation programme. All trees, shrubs and hedge plants shall comply with the requirements of BS 3936: *Specification for Nursery Stock*.

All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS 4428 (1989): *Code of Practice for General Landscape Operations (excluding hard surfaces)*.

All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837 (2005) *Trees in Relation to Construction: Recommendations*.

Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, or become severely damaged or seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedge plants of similar size and species to those originally required to be planted.

- 7) No development hereby approved shall commence until full details of the proposed foul and surface water drainage and the treatment plant from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full before any residential caravan is first occupied or brought into use.

- 8) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site
- 9) No commercial activities shall take place on the land at any time, including the storage of materials.
- 10) Notwithstanding any detail shown on the approved plans, no development hereby approved shall commence until details of all hard surfacing materials for the caravan pitches and access road have been submitted to and approved in writing by the Local Planning Authority. The materials to be used shall be permeable, unless provision is made for surface water to be directed to a permeable surface within the curtilage of the site. No development shall take place except in accordance with the approved details. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details prior to the first occupation of the site and permanently retained.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no gate, fence, wall or other means of enclosure (other than those expressly authorised by this permission) shall be constructed.