



Appeal Decision

Hearing Held on 4 October 2022

Site visit made on 4 October 2022

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 DECEMBER 2022

Appeal Ref: APP/L1765/W/21/3271015

Ourlands, Mayles Lane, Knowle, Hampshire PO17 5PN

- 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 Messrs Keet and Goddard against the decision of Winchester City Council.
 - The application Ref 20/00025/FUL, dated 12 May 2020, was refused by notice dated 16 September 2020.
 - The development proposed is the siting of an additional mobile home, touring caravan and utility dayroom.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of an additional mobile home, touring caravan and utility dayroom at Ourlands, Mayles Lane, Knowle, Hampshire PO17 5PN in accordance with the terms of the application, Ref 20/00025/FUL, dated 12 May 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. At the hearing it was confirmed that subsequent to the Council's decision, the proposed use had commenced in that the pitch has been created and, amongst other things, a mobile home moved onto the land. This is presently occupied by the parents/parents in law of the appellants. However, the proposed plans have not been fully implemented as shown, for example the utility dayroom building (noted as amenity block on the drawings) has not been constructed, nor has all the new planting indicated taken place. In addition, I observed a number of small sheds and outbuildings to the rear of the mobile home which are not shown on the proposed plans. It was explained that these were being used in part substitute for the proposed amenity block pending the outcome of this appeal. I shall determine the proposal based on the submitted plans.
3. Following the hearing the main parties were given the opportunity to comment on a subsequent Court of Appeal judgement¹, relating to the definition of gypsies and travellers contained within Annex 1 of the Planning policy for traveller sites (PPTS). In any event, there was a consensus at the hearing that the appellants and current occupants of the site are Romany Gypsies.

¹ Lisa Smith v SSLUHC [2022] EWCA Civ 1391

4. A signed Unilateral Undertaking (UU) dated 10 March 2021 made pursuant to section 106 of the Town and Country Planning Act 1990 has been submitted in relation to mitigation for the impact of the development on the Solent Special Protection Areas. It refers to an upfront financial contribution towards mitigating the recreational impact of the development. The amount comprises £597 paid to the Council in March 2021, supplemented by £57 paid on 4 October 2022 to take account of the increase in payment recommended as part of the Winchester City Council, Interim Solent Recreation Mitigation Partnership Strategy Guidance, August 2014 (SRMPS) that has occurred since the submission of the application.
5. In addition, a signed allocation agreement (AA), dated 6 October 2022 has been submitted relating to an allocation of nitrate under an offsetting scheme at Whitewool Farm, East Meon, Petersfield. The AA deed is subsequent to a separate 'umbrella' section 106 agreement dated 16 February 2021, as varied by deed dated 29 April 2021. Those agreements established a nitrogen offsetting scheme at Whitewool Farm whereby agricultural land that drains into the Solent catchment is taken out of agricultural use, and a wetland created so to remove nitrogen from drainage pathways. The AA provides a financial sum paid by the appellant (£3748.50) to the owners and tenants of Whitewool Farm to secure nitrogen capacity equivalent to 1.26kg/TN/yr as part of the scheme. I shall consider the UU and AA later in this decision.

Main issues

6. The main issues are:
 - The effect of the proposal on the character and appearance of the area, including having regard to the defined Gap between the North Fareham Strategic Development Area (SDA) and Knowle and Wickham.
 - The effect of the proposal on the Solent Special Protection Areas and Ramsar Sites, international and nationally designated sites of importance for biodiversity in relation to both recreational and nutrient level impacts.
 - If harm arises, whether this is outweighed by other considerations including the need and supply of sites and personal circumstances.

Reasons

Character and appearance

7. The appeal site lies in a peripheral area to the north of Knowle village, where a mixture of built form and countryside is in evidence. It is situated outside of the settlement boundary for Knowle and in the defined Gap between the settlements of Knowle and Wickham and the SDA identified in the Winchester District Local Plan Part 1, Joint Core Strategy, March 2013 (LPP1).
8. In addition to the adjacent consented gypsy and traveller site, there are a number of commercial premises in close proximity. These include Knowle Business Park and an aggregates business. Further to the south and east is housing development. In addition, the nearby area accommodates a water treatment works and a hospital cemetery, although the latter has a largely wooded appearance. Land to the east of the appeal site rises up towards Mayles Lane, adjacent to which there are grassed field parcels, which mostly

- have the appearance of paddocks. However, on the land associated with Little Acorns, in addition to the main buildings, there were a considerable number of rudimentary structures including a yurt, sheds, animal enclosures and various play equipment. Hence, I observed the presence of countryside, commercial and sub-urban components close to the appeal site.
9. Prior to the creation of the present pitch, the appeal site comprised a paddock associated with the adjacent authorised gypsy and traveller site. The land therefore mostly comprised of grass, with some boundary hedgerows and fencing but otherwise a general absence of built form or structures². These factors resulted in a verdant and spacious appearance that would have reinforced the countryside elements of the area.
 10. The proposed development has commenced but is not completed. When fully implemented it would introduce a mobile home, touring caravan, parking area and utility dayroom with associated areas of gravel and hard surfacing. The combined presence of these structures, surface treatments and associated paraphernalia would erode the spacious and rural qualities of the former paddock, thereby harmfully diluting the rural qualities of the land.
 11. Moreover, given the elevated position of Mayles Lane, limited glimpses of parts of the site are possible near the junction with the entrance lane. Nevertheless, the 'opening out' of the view from Mayles Lane as described by the Council at the hearing is considerably restricted by the presence of a close boarded fence adjacent to the roadside. Furthermore, my observations from the entrance lane were that both positive and negative features in the foreground tended to draw the eye to a much greater extent than structures presently on the appeal site. These included a large mature tree near to the entrance lane, and the paraphernalia already mentioned associated with Little Acorns. Overall, the proposal would cumulatively add to a sense of encroachment into the countryside but to a minor degree.
 12. My findings are broadly consistent with those of the Inspector in the 2013 appeal decision for the adjacent gypsy and traveller site in which the Inspector described the area as a vulnerable piece of countryside³. Nevertheless, there are some differences, fewer pitches are proposed in this case and the context has undergone some changes in the intervening period. This includes the presence of the authorised gypsy and traveller site, and additional structures on land to the east, including the aforementioned close boarded fence adjacent to Mayles Lane.
 13. The mobile home, touring caravan and utility dayroom are of a modest scale and equivalent to one storey in height. The block plan shows the structures positioned close to existing boundary hedgerows. I observed that the hedgerow on the eastern boundary does assist in screening the visual impact of the mobile home and would, with the new planting indicated, be likely to do so for the utility dayroom. In addition, new planting is shown along the southern and part western boundaries which would further contain the visual impact. However, this would not entirely address the harm and the additional planting would take some time to become effective. As such, some limited residual harm to the rural qualities of the appeal site would remain.

² Drawing no.1585/1 Rev 1 Block Plan - Existing

³ Paragraph 20, Appeal references APP/L1765/C/13/2198471 & 2198472 & APP/L1765/A/13/2194456

14. The appellants highlighted that no objection to the proposal was raised by the Council in relation to policy TR6 of the Winchester District Gypsy, Traveller and Travelling Showpeople Development Plan Document (Traveller DPD), February 2019. On that basis, it is asserted that the proposal would be acceptable. Policy TR6 sets out criteria for gypsy and traveller proposals that fall outside of the other provisions of the Traveller DPD. Even so, it does cross reference other policies of the development plan such that the criteria listed are not a closed list to the exclusion of other development plan policies. This is reinforced by paragraph 4.20 of the DPD which confirms that proposals for traveller accommodation should also accord with relevant policies in both parts of the Local Plan, thereby reinforcing the general principle that the development plan should be read as a whole.
15. Therefore, I find that the proposal would to a limited extent undermine the rural character and appearance of the land. Consequently, it would threaten the open and undeveloped character of the defined settlement Gap, which policy CP18 of the LPP1 seeks to resist. Hence, it would run counter to this policy. Furthermore, the development would to a limited degree visually and physically intrude into the landscape which in this mixed context would cumulatively detract from its rural qualities. As such, it is contrary to policy DM23 of the Winchester District Local Plan Part 2, April 2017 (LPP2) which seeks to protect rural character outside of defined settlement boundaries.

Solent Special Protection Areas and Ramsar Sites

16. The Solent and Southampton Special Protection Area and Ramsar Sites, Solent Maritime Special Area of Conservation, Portsmouth Harbour Special Protection Area and Ramsar Site, Chichester and Langstone Harbours Special Protection Area and Special Area of Conservation include sections of the Solent coastline which provide important feeding grounds for internationally protected populations of overwintering waders and wildfowl. They are collectively known as the Solent SPAs. As such they are recognised under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations).
17. Evidence shows that the coastline is under significant pressure from an increasing number of people living nearby. As the population grows, urbanising impacts from human pressures and increasing recreational activity has the potential to cause disturbance to bird species and have adverse effects on the protected habitats.
18. The appeal site is located within the Solent Disturbance and Mitigation Charge Zone for the Solent SPAs identified in the SRMPS. The area identified is based on evidence of the distance people are likely to travel to the coast for recreational purposes.
19. Recent caselaw⁴ requires the decision maker, when considering the effect that a proposal may have on European sites, to consider mitigation within an Appropriate Assessment. In the absence of mitigation measures and using a precautionary approach, given the proximity of the appeal site to the Solent SPAs, it is reasonable to suppose that residents of the development would potentially visit them for recreational purposes. Intensification of such activities would be likely to cause disturbance to the bird populations and their habitats. I am required under the Regulations to consider the effect of the proposal both

⁴ People over Wind and Sweetman v Coillte Teoranta ECLI:EU:C:2018:244

- individually and in combination with other projects. As such, there is a risk of a significant effect on the internationally important interest features of the Solent SPAs.
20. The Council are part of the Solent Recreation Mitigation Partnership, and the SRMPS sets out a strategic mitigation scheme to counter the adverse recreational effects arising from residential development. A charge per additional dwelling is set, which will be collected and used in mitigation projects agreed with Natural England. Examples given include providing a team of rangers who will work on the ground to reduce disturbance by influencing the behaviour of visitors, a 'Solent Dogs' project to encourage responsible dog walking and steer dog owners to less sensitive parts of the coast, a monitoring scheme to track the implementation of mitigation measures and to assess their effectiveness and a project officer.
 21. The appellants have submitted a UU and have paid an upfront financial contribution towards mitigation projects in line with the SRMPS, which was not contested by the Council at the hearing. Moreover, the Council gave confident assurance at the hearing that such monies are collected and held separately to ensure that they are spent on SRMPS projects. Consequently, I am satisfied that the mitigation measures identified are sufficient to avoid the likely impact of increased recreational pressure arising from the development, and that they have been appropriately secured.
 22. In addition to recreational pressure, increasing nitrogen levels from sewage associated with population growth is contributing to the growth of algal mats in the Solent SPAs. Such eutrophication is having a harmful impact on the growth, distribution and variety of important food available for protected birds. The utility dayroom would connect to the mains foul drainage system which in turn leads to Peel Common Wastewater treatment works, which is within the catchment area for the Solent SPAs. In the absence of mitigation, this would generate wastewater thereby potentially exacerbating this harmful effect.
 23. Since the submission of the appeal, Natural England (NE) have updated their advice⁵ for development proposals with potential to affect water quality resulting in adverse nutrient impacts on habitats sites. The water quality of the Solent is listed as a habitat currently in an unfavourable condition due to excessive nutrients. The guidance includes a national generic Nutrient Neutrality Methodology as well as catchment specific nutrient neutrality calculators.
 24. In more recent site specific advice given prior to the hearing NE confirmed⁶ that the original nitrogen budget calculation should be rerun using the latest guidance. Amongst other things they stated that details of the mitigation to achieve nitrogen neutrality will be required.
 25. At the hearing, the appellants provided an updated nitrogen budget calculation which concluded that the site would generate an additional nitrogen load of 1.17kg TN/year. There was no dispute that this followed the methodology advocated in the most recent NE advice.
 26. In addition, the submitted AA demonstrates that 'nitrate credits' at least equivalent to the nitrogen load arising from the development have been

⁵ Dated 16 March 2022

⁶ Email dated 8 August 2022

secured in perpetuity. This relates to an allocation under an offsetting scheme at Whitewool Farm whereby agricultural land that presently drains into the Solent catchment area has been acquired. It is taken out of agricultural use and wetland created, thereby reducing the overall nutrient loading and producing a 'credit' that can be used as mitigation for other development by way of an allocation agreement.

27. Consequently, having undertaken an appropriate assessment necessary under the Regulations, I am satisfied that the development contains precise and definitive findings with respect to water quality, and secures mitigation which is capable of removing all reasonable scientific doubt as to the absence of adverse effects on the integrity of the Solent SPAs.
28. Furthermore, in response to consultation under Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017, NE have confirmed⁷ that the mitigation measures as agreed by the Solent Recreation Mitigation Partnership are ecologically sound and subject to the appropriate financial contribution being secured the proposal will mitigate against the potential recreational impact of the development. Moreover, the Whitewool wetland scheme is appropriately located, and its nitrogen capacity has been discussed and agreed with NE, and no further concerns have been raised. Given their expertise, these comments have a significant bearing on my determination.
29. I am satisfied that the obligations relating to mitigation for the recreational and nitrogen impacts on the Solent SPAs are necessary to make the development in those regards acceptable in planning terms, and that they directly relate to the development and are fairly and reasonably related in scale and kind to the development. Therefore, they meet the 3 tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).
30. Accordingly, it has been shown that the proposal would have no adverse effect on the integrity of the Solent SPAs having regard to recreation and nutrient effects. I therefore find no conflict with policies CP15 and CP16 of the LPP1 which, amongst other matters, seek to protect green infrastructure and sites of international, European and national importance from inappropriate development and require new development to avoid adverse impacts, or if unavoidable, ensure that impacts are appropriately mitigated.

Other considerations

Need and supply of sites

31. The Traveller DPD breaks down the overall gypsy and traveller need into 5 year bands based largely on the Winchester Gypsy and Traveller Accommodation Assessment undertaken in 2016. For the period 2021-26 it indicates there is a requirement to provide 3 pitches, with an overall requirement of 15 pitches in the plan period 2016-2031. The Authorities Monitoring Report, 1 April 2020 - 31 March 2021 (AMR) states that the Traveller DPD requirement in the plan period has already been exceeded by the granting of 34 consents from 2016 to 2021.

⁷ Email dated 7 November 2022

32. The appellant highlighted planning appeal decisions⁸ in the district whereby the Council was unable to demonstrate five years worth supply of sites against locally set targets. Be that as it may, these decisions predate the adoption of the Traveller DPD and more recent planning permissions for gypsy and traveller accommodation, so they carry limited weight in this respect.
33. At the hearing the appellant did not dispute the figures presented by the Council in relation to the targets in the Traveller DPD but rather contended that the 2016 data underpinning it is out of date. More recent bi-annual counts show a fluctuating but considerable level of unauthorised caravans. In January 2020, this amounted to at least 93 unauthorised caravans, and it is asserted that this provides evidence of unmet need.
34. Inevitably time will elapse between the gathering of evidential data and the formulation, and examination of policy within which things can change. This of itself is not necessarily a reason to discount the policy but will depend upon the quality of available evidence to show otherwise. The bi-annual counts reflect snapshots in time. As such, the information they provide is not as comprehensive, nor have they undergone the same level of scrutiny as the Traveller DPD which was adopted comparatively recently in February 2019.
35. However, the recent Court of Appeal decision, the thrust of which found that the PPTS definition change in 2015 was unlawfully discriminatory, is an important material consideration. The PPTS 2015 remains extant policy, and it remains uncertain what the full repercussions of the recent caselaw will be. Nevertheless, it is likely to have implications for how needs assessments should be conducted in the future and casts considerable doubt on whether previous needs assessments based upon the PPTS 2015 definition can be taken as an accurate reflection of need without being tainted by discrimination.
36. Therefore, although the balance of evidence presented to me does not clearly demonstrate that the Council has a shortfall of pitches against the targets in the development plan, that evidence and policy is predicated upon a definition of gypsies and travellers that has been severely undermined by recent caselaw.

Personal circumstances

37. It was explained at the hearing how the proposal would be beneficial to the present occupants of the appeal site, having regard to their personal circumstances. The proximity of the pitch to the existing authorised pitches to the west would allow the appellants to live as an extended family group.
38. The occupants of the site have protected characteristics for the purposes of the Public Sector Equality Duty under the Equality Act 2010, due to being Romany Gypsies as well as suffering from debilitating medical conditions. Indeed, it was the latter that prompted the present occupants to move onto the site in advance of the outcome of the somewhat protracted appeal process. I do not doubt that the present occupants of the site derive considerable personal benefit from the care and support of family members living on the authorised pitches adjacent. Moreover, such arrangements are culturally consistent with the Gypsy way of life. Given the age of the present occupants and nature of the medical conditions highlighted, their reliance on such care is likely to increase in the foreseeable future.

⁸ Appeal references APP/L1765/A/10/2138371, APP/L1765/W/3017453; APP/L1765/W/15/3131614; APP/L1765/A/12/3188816; APP/L1765/W/15/3141334.

39. Neither main party were able to identify any suitable alternative sites that could accommodate the extended family group. It follows that, if this appeal were to be dismissed, it is likely that the present occupants would be required to leave the site with little prospect of an immediate suitable alternative. Even if accommodated nearby, they would not be as proximate. Therefore, the level of mutual support the family group presently enjoy would be considerably reduced. Moreover, such a prospect in itself, together with the inherent uncertainty about future levels of care would be likely to induce levels of stress that would exacerbate the medical condition of at least one of the persons concerned. In combination, these factors attract substantial weight in favour of the proposal.

Other matters

40. As part of my determination, I have taken account of the representations received. In addition to the matters already considered, these included concerns raised in relation to living conditions, transportation effects and that an undesirable precedent may be set. The proposal is residential in nature and for one pitch. Moreover, I observed that housing in the vicinity was separated from the site by a notable distance. As such, there is little basis to consider that there would be an unacceptable impact to the living conditions of nearby residents. Substantive evidence has not been provided to show that traffic movements arising from an additional pitch using existing access arrangements would be unsafe. Finally, I have considered the proposal before me on its specific merits, which include personal circumstances. Future development proposals would also be considered on their respective merits. A generalised concern in this regard carries little weight and would not lead me to find otherwise in the overall balance.

Planning balance

41. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁹. I have found in relation to the first main issue that there would be limited harm to the character and appearance of the landscape. Imposing a condition to require a detailed landscaping scheme would mitigate but not entirely overcome that harm. As such, the proposal would conflict with development plan policy in this respect.
42. Balanced against that are the personal circumstances of the present occupants of the site and their close connection with the occupants of the adjacent authorised three pitches. No suitable and available alternative sites have been identified.
43. Recent caselaw relating to the definition of gypsies and travellers in the PPTS makes it more doubtful that the generalised need for gypsy and traveller accommodation has been comprehensively addressed given that the assessment of need excluded gypsies and travellers who have ceased to travel permanently. However, this omission also applies to the monitoring of permissions for gypsy and traveller accommodation. This degree of uncertainty means that no clear picture showing unmet need emerges from the available evidence. Irrespective of that, I am persuaded that there is a personal need in

⁹ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

this instance that is predicated upon a physical proximity to the occupants of the adjacent site. I attribute substantial weight to these matters in favour of the proposal.

44. On balance, the limited harm to the character and appearance is outweighed by the serious harm that would result to the present occupants of the appeal site should the appeal be dismissed. In these circumstances, I consider that a grant of personal permission would be proportionate and necessary and would avoid interference with the present occupants' rights to a private and family life and home under Article 8 of the Human Rights Act 1998. In coming to that view, I have taken account of the likely extent of financial investment inherent in the construction of the proposed utility dayroom and additional planting that form part of the proposal and balanced that against the uncertain duration of a personal permission. Overall, I do not consider those to be so extensive that their provision would be unreasonable.
45. For these reasons, I conclude that the appeal should be allowed and planning permission should be granted subject to a personal and other conditions discussed further below.

Conditions

46. As the proposal is in part retrospective there is no need to impose a time period within which the development must be commenced. However, as the development on site has not been completed, in the interests of certainty I have included a condition that it should be carried out in accordance with the submitted plans.
47. The personal circumstances presented are determinative in this case. Hence, a personal condition is imposed restricting occupation to the present residents at the appeal site. As they do not have resident dependants, I have not referred to any in the wording. On that basis, it is not necessary to also attach a more general requirement relating to the gypsy status of the occupants. A condition is also imposed to require the restoration of the site upon the cessation of that occupation.
48. In view of the nature of the occupation and to limit the extent of visual impact, I have restricted the number of caravans that can be stationed on the land to 2 in total, of which no more than one shall be a static caravan or mobile home. For broadly similar reasons it is reasonable and necessary to prevent the commercial use of the land, limit the weight of vehicles stationed there and to control external lighting.
49. There is also the need for a condition to require the submission and agreement of certain details, and thereafter their implementation. These relate to landscaping, planting proposals and external lighting in order to mitigate the effects of the development upon the character and appearance of the area, securing adequate means of foul and surface water drainage and a restoration scheme following the cessation of occupation.
50. The effectiveness and enforceability of such a condition was discussed at the hearing given that the use has already commenced. Reference was made by the appellant to wording often adopted in these circumstances, with a specific example in evidence in condition 4 of the 2013 appeal. I have adopted a generally consistent approach.

51. The Council also suggested the removal of permitted development rights normally given for the provision of fences, gates and walls. Paragraph 54 of the National Planning Policy Framework stipulates that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so. I am not persuaded that a generalised concern regarding the visual amenities of the area amounts to such a clear justification to disallow minor operations that the government intended to grant. Therefore, I have not imposed it.

Conclusion

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

Helen O'Connor

Inspector

APPEARANCES

FOR THE APPELLANT

Angus Murdoch, Planning agent, Murdoch Planning Limited

Trevor Furse, Landscape Architect at Furse Landscape Architects

Louisa Jones, Ecologist at Pro Vision

David Keet (Snr), Site occupant

David Keet (Jnr), Appellant and son of site occupants

Ricky Keet, Son of site occupants

FOR THE LOCAL PLANNING AUTHORITY

Rose Chapman, Principal Planning Officer, Winchester City Council

Stuart Dunbar-Dempsey, Landscape Officer, Winchester City Council

Documents handed in at the hearing

Doc 1 Extract from Hampshire GTAA Summary, September 2017, Pages 35-36

Doc 2 Extract from Council's Annual Monitoring Report 2020-1. Section 7 and Appendix 6 relating to Gypsy, Traveller and Travelling Showpersons accommodation.

Doc 3 Appeal decision APP/L1765/W/20/3262560 – Plot 2, Pony Paddock, 6 Hipley Road, Hambleton – dated 30 September 2022.

Doc 4 Nitrogen Budget Calculation

Doc 5 Copy of receipt dated 4 October 2022 of £57.00 paid to Winchester City Council.

Doc 6 Copy of payment transaction dated 4 October 2022 of £5,698.20 paid to Shoosmiths solicitors.

Doc 7 Extracts of medical records concerning the present occupants of the appeal site.

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan – Proposed, drawing number 01585/2, Rev 2; Site Development Scheme, drawing number 01585/3, Rev 3; Proposed Amenity Block, drawing number 01585/4, Rev 3; Static Van (Indicative), drawing number 01585/4, Rev 1 and Site Location Plan, drawing number 01585/9, Rev 1.
- 2) The occupation of the site hereby permitted shall be carried on only by Mr David Keet (Snr) and/or Mrs Esther Keet.
- 3) When the site ceases to be occupied by those named in condition 2 above, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored in accordance with details agreed under condition 8.
- 4) No more than 2 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 1 shall be a static caravan/mobile home, shall be stationed on the site at any time.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 6) No commercial activities shall take place on the land, including the storage of materials.
- 7) There shall be no external lighting on the site other than that agreed under condition 8.
- 8) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for the means of foul and surface water drainage of the site; external lighting; hardsurfacing; landscaping including details of species, plant sizes and proposed numbers and densities and the maintenance and aftercare of the planting; and the proposed restoration of the site at the end of the occupation of the site by those permitted to do so; shall have been submitted for the written approval of the local planning authority and the 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 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.

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