



Appeal Decision

Hearing held on 8 October 2014

Site visit made on 8 October 2014

by Sarah Colebourne MA, MRTPI

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

Decision date: 14 January 2015

Appeal Ref: APP/V2255/A/14/2219020

Orchard Place, Ashford Road, Badlesmere, Faversham, ME13 0NU

- 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 Pam Hilden against the decision of Swale Borough Council.
- The application Ref SW/13/1549, dated 13 December 2013, was refused by notice dated 7 February 2014.
- The development proposed is described as a change of use to include the stationing of caravans for 3 no. residential gypsy pitches.

Decision

1. The appeal is allowed and planning permission is granted for a change of use to a residential gypsy site for the stationing of one static caravan, three touring caravans and to include an access, a hardstanding and associated structures at Orchard Place, Ashford Road, Badlesmere, Faversham, ME13 0NU in accordance with the terms of the application, Ref SW/13/1549, dated 13 December 2013, subject to the conditions attached to the schedule at the end of this decision.

Procedural Matters

2. The plans determined by the Council proposed a new development for three pitches which included the siting of three static caravans and three touring caravans together with three movable structures. That scheme also included landscaping around the caravans and along the site boundaries. The appeal statement seeks to amend the proposal to retain the existing use and development on the site which includes one static caravan and three touring caravans. The amended site layout plan shows that the site also comprises an access and a number of other structures including a 'Portaloo' type toilet, a 'Portacabin' used as a shared utility room, a cess tank, two timber sheds used as utility rooms, a storage container, a dog kennel and three field shelters. It does not include any additional landscaping. Although the plans show that the amendment comprises a greater number of structures in total than originally sought, the site area remains the same, there are two static caravans less (hence a lower overall height impact) and a slightly smaller overall footprint. Therefore, whilst this is not normally an appropriate means of seeking permission for an alternative scheme, in this instance I am not persuaded that the interests of the Council or other parties have been prejudiced and I have considered the appeal as a change of use to a residential gypsy caravan site to include the development shown on the amended site layout plan.

Main Issues

3. The main issues in this case are:-

- the effect of the development on the character and appearance of the area, including the Kent Downs Area of Outstanding Natural Beauty (AONB);
- if any harm arises, whether it is outweighed by any other material considerations, including any identified need for sites for gypsies and travellers in the area, the alternatives for the appellant and any personal circumstances.

Reasons*Background*

4. The appeal site is located in the countryside, to the north of Badlesmere. It is currently in use as a private gypsy site for the appellant and her family, having been occupied since 2006. The appellant and her husband live in the static caravan and their two sons and their families live in the two touring caravans. The site has a long planning history which includes an enforcement notice, two dismissed appeals (APP/V2255/C/06/2022786 and APP/V2255/A/09/2111231) and four prosecutions for a breach of the enforcement notice. The Council is currently pursuing an injunction in the High Court but I was told that this is being held in abeyance pending the outcome of this appeal. The Council has not disputed the family's gypsy status and I have no reason from the evidence provided to disagree with that.

Character and appearance

5. The development plan includes the Swale Borough Local Plan (LP), dated 2008. Policies E1, E9 and E19 accord broadly with national policy in seeking to ensure a sustainable pattern of development, protect the character and quality of the AONB and ensure a high quality of design respectively. Decision makers have a statutory duty to conserve and enhance the natural beauty of AONBs which have the highest status of protection and these policies accord broadly with the National Planning Policy Framework ("the Framework") which affords them great weight. They also accord broadly with national planning policy for traveller sites which is set out in Planning Policy for Traveller Sites (PPTS) and seeks to ensure that sites are environmentally sustainable and strictly limit sites in open countryside. This does not exclude all sites outside settlements or within AONBs. I have given little weight to the proposed amendments to PPTS in the government's consultation document 'Planning and Travellers' (September 2014) due to its current status as it may change in response to the consultations.
6. The appeal site is located on a dip slope of the downs in the AONB, a nationally important landscape which in this area is characterised by a gently undulating arable landscape with mature hedgerows, small scale woodland, orchards and buildings mainly clustered in villages and hamlets with some isolated farmsteads. The existing development occupies a former orchard. The developed part of the site is set back from the road and separated from it by a more recently planted orchard. There are mature hedgerows along the northern, eastern and western boundaries of the site of varying heights with more recent planting (carried out between 3 and 6 years ago according to the

appellant's Landscape and Visual Assessment (LVIA)) on the northern and eastern boundaries and within the site.

7. The Council acknowledged at the hearing that the LVIA provides a fair assessment of the character of the area. Although the appellant and her family have planted a substantial area between the development and the road with additional orchard trees which enhances the character of the area, the LVIA acknowledges that some of the existing conifer planting within the site is out of character with the area and I would agree with that. Whilst there is a dwelling opposite the site access and a number of dwellings on the Leaveland lane on the far side of the large, adjoining arable field to the rear of the site and a recreational caravan site further along the Leaveland lane, the use of the site as a gypsy site and the presence of the existing caravans and structures is clearly out of character with the local settlement pattern and most of the surrounding land uses and buildings, notwithstanding the lower impact of the amended proposal in comparison to the original scheme. The existing development therefore causes moderate harm overall to the character of the AONB.
8. The principal views towards the site are the short range views from the access and the A251 to the east, from the footpath which crosses the appellant's adjoining field to the south and from the continuation of that path over the adjoining arable field to the west of the site and a longer range view from the Leaveland lane to the north west of the site.
9. From the footpath through the appellant's adjoining field to the south of the site, the LVIA notes that the tops of the caravans are visible and at my visit this appeared to still be the case. The appellant is prepared to omit from the appeal the smaller third touring caravan but in my view it makes little difference to the impact of the existing development. I agree with the LVIA and the Council that the existing conifer planting and fencing along the access road do not contribute positively to the character and appearance of the area but I saw that, due to their distance from the footpath, neither they nor the tops of the caravans are unduly dominant in the view. Furthermore, I noted that since the LVIA was carried out, the appellant's husband has planted an additional hedge along the southern boundary of the site with the adjoining field which in time would reduce the impact of the development further when seen from the footpath. Having seen the point at which the footpath emerges onto a bend in the A251 and from what I was told at the hearing it seems unlikely to me that the footpath is well used. The development has a limited visual impact from this footpath which will in time, reduce further.
10. From the continuation of the footpath through the large arable field to the rear of the site, the LVIA, carried out in April 2013 when there was little or no leaf cover, notes that the existing mobile home is clearly visible through the existing hedgerow. At the time of my visit there was good leaf cover and only a glimpse of it was possible through a gap in that boundary. Beyond the field, from the Leaveland lane where there are a number of dwellings and a church, the site is further away and even less visible. Although the LVIA refers to the conifers behind the existing static caravan as out of character with the area, I do not consider that their removal is necessary as they form only a short section of this long boundary. There appears to be, however, some scope for a limited amount of additional planting and I agree with the LVIA that in time and

with further planting within the site along that boundary the visual impact when seen from here could be reduced to a slight/moderate effect.

11. The LVIA noted that from the access, the existing caravans are clearly visible through the hedgerow along the eastern boundary. It acknowledged that the significance is a substantial/moderate adverse effect but that in time and with further mitigation this could reduce to a moderate adverse effect. At the time of my visit, the hedge was in full leaf cover and whilst the tops of some of the caravans and structures were visible, they were certainly not dominant in the view from that point as a result of their distance from the road and the intervening orchard, the conifer planting along the access road and the planting around the access and alongside the road. The last appeal decision was made over four years ago when much of the existing landscaping within the site was still young. Since that appeal there has been more than four years of growth and indeed since the LVIA was undertaken there has been an additional 18 months of growth which has reduced the impact of the existing development at least during the summer months. However, in winter the views would be much clearer and the development would have at least a moderate visual impact.
12. Moreover, from what I saw at my visit and the plan submitted at the hearing showing the required visibility splays, a substantial length of the existing roadside boundary particularly on the south side of the access would have to be either felled, reduced in height or cut back. Whilst it is clear that a safe access can be achieved, the necessary works would considerably open up views towards the site. Although there is sufficient space within the site for additional landscaping around the developed area that would, in time, provide some mitigation, PPTS encourages the openness of sites and any additional planting that provided full screening would not conserve the character and appearance of the AONB or overcome the significant harm which would be caused in the short term. In this case, as in the previous appeals, landscaping conditions would not mitigate the harm to an acceptable degree and should not be used to screen an incompatible development.
13. I conclude then that despite the limited visual harm from some viewpoints, in the shorter term, the significant visual harm that would result from the visibility splay necessary for a safe access together with the moderate harm to the character of the area arising from the use of the land and the presence of structures on the site would significantly harm the character and appearance of the area and the AONB. This would be contrary to local policies E1, E9 and E19 and to national policy. The development would not accord with the environmentally sustainable aspect of national policy and would fail to conserve or enhance the natural beauty of the AONB. I have, therefore, attached great weight to this harm in accordance with paragraph 115 of the Framework.

Any identified need for sites for gypsies and travellers in the area

14. PPTS identifies a national need for traveller sites and seeks to ensure that local planning authorities develop strategies to meet the need for sites in appropriate locations, to address under provision and maintain an appropriate level of supply (including a five year supply) of sites. The Council has published an assessment of need and is in the process of producing a strategy to address this need with the provision of a supply of sites.

15. At the hearing the appellant's agent accepted the need for 85 pitches until 2031 as identified in the Council's 2013 Gypsy and Traveller Accommodation Assessment (GTAA) but disagreed with its assessment of the supply of sites. The Council said at the hearing that the remaining need since its base date of April 2013 has been reduced to 72, as a result of further pitches granted permission prior to 31 March 2014 (including 9 completed and occupied pitches at Brotherhood Wood and 1 at Hursell Farm, Upchurch). It also said that it has 22 pitches in its supply (10 completed but unoccupied at Brotherhood Wood, 4 at Cricket Meadow and 8 at Orchard Park) that would meet the five year need for 21.2 pitches based on an annualised approach. That approach has not yet been considered as part of the local plan process or agreed by the Council but I have insufficient information to conclude that a different approach should be taken at this stage.
16. The appellant maintains that the additional pitches at the Brotherhood Wood site do not count towards the supply for a number of reasons. I have noted that the permission restricts the site to gypsies and travellers and although I was told that the layout is not in accordance with the approved plans, I agree with the Council that this is an enforcement issue rather than a supply issue.
17. Although the appellant says that the site is owned by an Irish Traveller and may be occupied by overseas workers (which might include Roma Gypsies and if so may increase the level of need further) and an enquiry has been made to the Council for occupation of part of the site for overseas workers, I have only limited evidence that there may be little demand for the site from the local gypsy and traveller population at some point in the future. Whilst the new government consultation document for gypsy and traveller sites which encourages provision for different groups of gypsies and travellers carries little weight at present due to its status, the Framework requires that local authorities ensure choice in the market for land. Whilst this limited evidence does not necessarily indicate a decreasing need for sites as suggested by the Council, neither does it persuade me that the site is unsuitable for any gypsies or travellers in this area.
18. The site originally had a permanent permission for 10 pitches (each with a static and touring caravan) and two transit pitches. In 2013 permission was granted for the redevelopment of the site to 7 pitches, 2 transit pitches and 22 single pitches. The permitted single pitches do not accord with the Council's definition of a pitch in its Gypsy and Traveller Site Allocations: Issues and Options document (February 2014) which forms part of the Swale Borough Local Plan: Part 2 (although that has not yet been tested as part of the local plan process) or with government guidance in 'Designing Gypsy and Traveller Sites' because the pitches do not have space for a touring caravan or individual utility area. However, that advice is for guidance only and relates to social and not private sites. Although I have been referred by the parties to an appeal decision in Doncaster (APP/F4410/A/12/268993) in which additional caravans on an existing site were counted as contributing towards additional pitches, the Council said at the hearing that those circumstances differed from this case and in the absence of further details I have assessed this case on its merits. Although the single pitches do not comply with government guidance, they nevertheless contribute towards the Council's overall supply.

19. However, it is clear to me from the information provided at the hearing that, although the Cricket Meadow and Orchard Park sites have permissions that are not personal and could be available to any gypsy or traveller, they provide additional caravans on existing pitches for existing families rather than new, separate pitches for new families. Therefore they cannot count fully towards supply.
20. As the Council is reliant on the full contribution of these three sites, I conclude that it is unable to demonstrate a robust five year supply and this carries significant weight. Despite the Council's clear progress in granting planning permissions for sites and some progress on its strategy there remains, even on the basis of its lower overall need figure, a high level of need over the plan period at 72 pitches (albeit lower than the level of need when the previous decisions were made) and this is a matter to which I also attach significant weight.

Alternative accommodation options for the appellant

21. The previous appeal decisions considered that there was scope for the appellant to secure an alternative site and the Council says that this is still the case. Following the 2010 decision, the family was unable to pursue other sites due to caring for their terminally ill son for over 2 years and subsequent bereavement in 2013. Since then their personal circumstances have changed significantly and a site elsewhere is not considered acceptable by the family.
22. Although at the hearing the Council accepted that it has no Council sites to offer the family as an alternative, it referred to its table of private gypsy sites and said that there are numerous windfall sites in the borough, some with permanent and some with temporary permissions. I accept that the Council is genuinely willing to help the family find an alternative site but from the details provided by the appellant of the Brotherhood Wood, Cricket Meadow and Orchard Park sites it seems that these would be unsuitable for and unavailable to the appellant and her family. I have not been provided with sufficient information that would lead me to conclude that other sites are available.
23. The appellant has, however, provided some recent evidence of having approached the owners of the touring caravan site at Leaveland and a couple of farms in the borough but none of these are able to offer a site.
24. The Council could offer temporary housing to the family that would meet its requirement for access to the school attended by the eldest child and hospitals attended by two of the children. Nonetheless, I heard that Joe and Bill Hilden (junior), the appellant's two sons, have never lived in a house before and that this would be culturally unacceptable to the family.
25. If the appeal is dismissed and the appellant and her family are required to leave the site, it seems likely that they would have to stop at the roadside. This would not enable adequate provision for the significant personal needs of the family, including its health and educational needs and the best interests of the children. There does not appear to be any reasonable alternative accommodation for the appellants and I have given this significant weight.

Personal needs

26. PPTS seeks to ensure the 'provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure'. The personal circumstances of the appellant and her family are of great weight in the determination of this appeal.
27. Full details of the family's changed personal circumstances were not provided as part of the application to the Council. Since the previous appeal, the appellant's other two sons have each had families and there are now five young children living on the site, two of whom have medical conditions requiring on-going appointments in London and Canterbury. Given that these appointments are some distance away, living elsewhere in the locality would not prevent their attendance and this matter is not determinative.
28. I heard that the appellant's sons are very aware of the difficulties that result from not having a settled base and keen that their children have a good education. The eldest child attends the local school in Sheldwich and another child will follow next year. Leaving the site and living at the roadside would entail disruption to the children's education as it would be difficult to seek help from the Travellers' Education Service from there. This is an important consideration which did not form part of the previous appeal decisions or the Council's decision and which add further weight but is not determinative.
29. Most significantly, I have strongly compelling evidence from Mrs Hilden and her doctor in documents provided at the hearing and supported further by the evidence given by Mr Hilden on her behalf at the hearing, about the considerable impact that the dismissal of this appeal and leaving the site would have on her health which has deteriorated significantly following the bereavement of their son in 2013. I have no reason to doubt this professional evidence which was not challenged by the Council at the hearing. I have no evidence of any suitable alternative close to this site that would provide for this significant need which did not form part of the previous appeal decisions or the Council's decision. Mrs Hilden's health is an important and uncommon consideration which is specific to this family and adds very significant weight to this case.
30. At the hearing the Council considered that only the appellant herself has a need (which it in any case considered not great enough to outweigh the landscape harm) to remain on this particular site. In my view, the proposed development would enable the extended family to live together as a group where they are able to provide the necessary care and support for Mrs Hilden, which is an important consideration, given the difficult circumstances. This is part of the traveller way of life which PPTS seeks to facilitate and this provides some additional weight in favour of the appeal.
31. The health and education needs of the appellant and her family have increased significantly since the previous appeal decisions. They carry substantial weight in favour of the development. For the above reasons, these particular personal circumstances are compelling and the benefits of having a settled base in this location are clearly apparent. This adds substantial weight to the proposed development.

Other matters

32. The appeal site is located on the A251 along which there are bus routes to nearby towns and facilities. Whilst the appellant and her family are dependent on the car for some of their journeys, the availability of public transport in the area provides an alternative and the site constitutes a broadly sustainable location.
33. PPTS also seeks to ensure that traveller sites are economically and socially sustainable. I have noted that the appellant and her family have a small number of livestock on their land which are used to produce food for the family. Her husband sells fruit from the orchard and their two sons work locally as well as travelling for some work away. The development therefore provides a small economic contribution to the area. Despite an objection from the Parish Council and two local residents, there are ten letters from local residents in support of the development which suggests to me that the family is well integrated into the local community. It seems to me, therefore, that the proposal would also fulfil the socially sustainable aspect of national policy.
34. The previous Inspectors concluded that those proposals would not result in significant harm to the setting of Orchard Cottage, a grade II listed building opposite the site. I have had special regard to the desirability of preserving the setting of the listed building in accordance with s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The developed area of the site is separated from Orchard Cottage by the road and orchard and so the development results in no material harm to the heritage asset or its setting.

Conditions

35. Whilst the application was for a permanent permission, the appellants have requested that a temporary permission is considered should a permanent permission be unacceptable. The previous appeal decisions both concluded that a temporary permission would not be appropriate. PPTS states that the failure to demonstrate an up to date five year supply of deliverable sites should be a significant material consideration when considering applications for the grant of a temporary planning permission. Paragraph 26 of PPTS advises that conditions can enable a development proposal to proceed where it would have otherwise been necessary to refuse permission and that planning authorities should take this into consideration.
36. For a short term permission, the balance of considerations changes. Whilst the harm to the character and appearance of the AONB would continue to have great weight, that harm would come to an end when any temporary permission expired. A temporary permission would enable the Council to continue its progress on a strategy for the identification of sites under the Swale Borough Local Plan: Part 2 which it anticipates will be adopted in early 2016 and the subsequent delivery and availability of those sites.
37. However, it would not meet the very significant personal needs of the appellant and her family or provide the future certainty that they require (this was acknowledged by the Council at the hearing) and this case differs significantly from the previous appeals in that respect. From the evidence presented to me, there is no certainty that Mrs Hilden can be treated successfully or permanently. It seems to me that the closer the appellant got in time to the

end of the planning permission the worse her health would be likely to become. For these reasons, a temporary permission would not be appropriate.

38. The Council has suggested a number of further conditions should the appeal be allowed. I have amended or combined some of these in the interests of brevity and to meet the requirements of the Planning Practice Guidance.
39. For the avoidance of doubt and in the interests of proper planning a condition specifying the amended plan is necessary. A personal condition is necessary as the appellant's and her family's personal circumstances weigh heavily in the balance of a grant of permission. Although the family's status is not disputed, a condition to tie the occupation of the land to gypsies and travellers is necessary as this could change in the future.
40. To protect the character and appearance of the area and the AONB, the following conditions are necessary: the limiting of the number of caravans on the site to four; a site development scheme, including the site layout, the access, details of foul drainage, landscaping and lighting; the restriction of commercial activities and larger commercial vehicles on the site. I have also added a condition for restoration of the site following the cessation of the personal use.

Conclusion

41. I have found that significant environmental harm would be caused by the development in terms of the character and appearance of the area and the AONB and have accorded this great weight. The proposal does not, therefore, constitute sustainable development. However, the strongly compelling personal circumstances of the appellant and her family carry substantial weight which together with the significant weight attached to each of the following matters: the identified need for gypsy and traveller sites in the area and the lack of reasonable alternative accommodation in the area, outweigh that harm.
42. Article 3 of the United Nations Convention on the Rights of the Child requires a child's best interests to be a primary consideration. Article 8 of the European Convention on Human Rights requires that decisions ensure respect for family and private life. Dismissing the appeal would be likely to result in the direct loss of the homes of the appellant and her immediate family. Dismissing the appeal will force the appellant and her family, none of whom have their own permanent, individual base elsewhere, to adopt an itinerant lifestyle. This would represent an interference with the best interests of the five children referred to earlier and with the family's home, their family life and their livelihoods, and this adds further weight in favour of the appeal. Having regard to the balance of considerations outlined above and the effect of the proposal upon the public interest, I conclude that dismissal of the appeal would have a disproportionate effect upon the rights of the children under Article 3 of the United Nations Convention on the Rights of the Child and the rights of the families under Article 8 of the European Convention on Human Rights. For the reasons given in my consideration of the grant of a permanent planning permission I find that the appropriate balance would be struck between the rights of the individuals and the protection of matters of acknowledged public interest by the grant of a permanent permission such that the action would not be disproportionate and would not result in a violation of the occupiers rights.

43. I have taken into account all other matters raised and the content of the government's new Planning Practice Guidance but in light of the facts in this case they do not alter my conclusion.

44. For the reasons stated above, the appeal should be allowed.

Sarah Colbourne

Inspector

APPEARANCES

FOR THE APPELLANT:

Mrs A Heine	Agent
Mr Bill Hilden	Appellant's husband
Mr Bill Hilden (junior)	Appellant's son
Mr Joe Hilden	Appellant's son

FOR THE LOCAL PLANNING AUTHORITY:

Mr G Thomas	Area Planning Officer
Claire Dethier	Planning Officer

DOCUMENTS

1. Heine Planning Consultancy: Lenny Howard, Newington Assessment of Need, Council's Response and Appeal Decision (APP/F4410/A/12/2168993). (Submitted by the Council).
2. Heine Planning Consultancy: Swale Assessment of Need. (Submitted by the appellant).
3. Table of private gypsy sites in Swale as at October 2014.
4. Planning permission details: SW/13/0137 02092 (Brotherhood Wood); SW/14/0184 10480 (Cricket Meadow); SW/13/1373 21085 (Orchard Park)
5. Gypsy and Traveller Site Allocations: Issues and Options, The Swale Borough Local Plan: Part 2.
6. Letters dated 2/6/14 John Clinch, Syndale Farm; 3/6/14 R Butler; 9/5/14 T A Darby, Monks Cottage Caravan Park.
7. Letters dated 13/6/14 and 24/9/14 Newton Place Surgery.
8. Letter dated 7/10/14 Pam Hilden.

PLANS

1. Proposed site layout plan, scale 1:200
2. Visibility splay, drwg no 08_242_LV\A09

Schedule of conditions:

- 1) The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants: Pam Hilden, William (Bill) Hilden (senior), Bill Hilden (junior), Sam Hilden (nee Johnstone), Joe Hilden and Kelly Hilden (nee Vine).
- 2) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of DCLG '*Planning policy for traveller sites*'.
- 3) When the land ceases to be occupied by those named in condition 1 above, the use hereby permitted shall cease and all caravans, 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 to its condition before the development took place.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed Site Layout plan, scale 1:200.
- 5) No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan) shall be stationed on the site at any time. The static caravan shall only be positioned as approved on the Proposed Site Layout plan.
- 6) No commercial activities other than agriculture shall take place on the land, including the storage of materials, plant, products or waste and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 7) 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 internal layout of the site, including the siting and surfacing details of the hardstanding, parking and amenity areas; the means of access to the site including road width, kerb radii, visibility splays and details of surfacing materials; the means of foul water drainage of the site; the means of landscaping of the site; a schedule of maintenance for a period of five years of the proposed planting beginning at the final phase of implementation as required by that part of this condition, the schedule to make provision for the replacement, in the same position of any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule; proposed external lighting on the boundary of and within the site; (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or,

- if 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 site development 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.

End of conditions.