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## Appeal Decision

Hearing held on 3 December 2014

Site visit made on 3 December 2014

by **J M Trask BSc(Hons) CEng MICE**

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

Decision date: 28 January 2015

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**Appeal Ref: APP/V2255/A/14/2222135**

**Land at Blind Mary's Lane, Bredgar, Sittingbourne ME9 8AR**

- 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 Mr Benjamin Brazil against the decision of Swale Borough Council.
  - The application Ref SW/14/0362, dated 21 March 2014, was refused by notice dated 17 June 2014.
  - The development proposed is a change of use of land to a residential caravan site for one Romani Gypsy family. The site to contain one static caravan, one touring caravan, Portaloo, parking for two vehicles with associated hardstanding and cesspit.
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### Decision

1. The appeal is allowed and planning permission is granted for a change of use of land to a residential caravan site for one Romani Gypsy family. The site to contain one static caravan, one touring caravan, Portaloo, parking for two vehicles with associated hardstanding and cesspit at Land at Blind Mary's Lane, Bredgar, Sittingbourne ME9 8AR in accordance with the terms of the application, Ref SW/14/0362, dated 21 March 2014, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The development has previously been the subject of an Enforcement Notice, an appeal<sup>1</sup> against the Enforcement Notice, which was dismissed, and court proceedings in relation to the non-compliance with the Enforcement Notice. Subsequent to these events the appellant submitted an application for planning permission and it is this application and the Council's refusal to grant planning permission that is the subject of this appeal.
3. At the time of my visit a static caravan was positioned on the appeal site. It is not contrary to the law to apply for planning permission retrospectively and I have considered the appeal on this basis.
4. At the Hearing the Council provided an updated assessment of the situation in respect of the provision of gypsy and traveller sites in the borough and the appellant commented on this in writing after the close of the Hearing<sup>2</sup>.

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<sup>1</sup> APP/V2255/C/11/2156341

<sup>2</sup> Document 10

5. The parties agree that the appellant and his family fall within the planning policy definition of "gypsies and travellers" and I have no reason to disagree with that assessment.

#### **Main Issue**

6. The main issue in this appeal is whether any harm to the character and appearance of the area, including any effect on an Area of Outstanding Natural Beauty, and any other harm is outweighed by any shortfall in the provision of gypsy and traveller caravan pitches, the availability of alternative accommodation and the personal circumstances of the appellant and his family.

#### **Reasons**

7. The development plan includes the saved policies of the Swale Borough Local Plan 2008. Policy E1 seeks to safeguard environmental features, among other things. Policy E9 aims to protect the quality and character of the Borough's landscape and gives priority to the long-term conservation and enhancement of natural beauty in the Kent Downs Area of Outstanding Natural Beauty (the AONB) while permitting development necessary to facilitate the economic and social well-being of the area and its communities. High quality and distinctiveness are promoted by Policy E19 and Policy RC7 seeks to protect the physical features and character of rural lanes.
8. There is an emerging plan which the Council plans to submit for examination in March 2015 but as it has made little progress towards adoption it warrants little weight and is not relied on by the Council.
9. Also of relevance are the National Planning Policy Framework (the Framework) and Planning Policy for Traveller Sites (the PPTS). The relevant development plan policies are broadly consistent with those in the Framework, in particular the Core Principle of recognising the intrinsic character and beauty of the countryside. The Framework also advises that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. The PPTS states that new traveller site developments should be strictly limited in locations in the open countryside away from existing settlements. It also establishes that the existing level of local provision and need for sites, the availability (or lack) of alternative accommodation and other personal circumstances of the appellant should be considered.

#### *Character and Appearance*

10. The appeal site is within the Kent Downs Area of Outstanding Natural Beauty. The Deans Hill escarpment covers a large area of the parish and is of high landscape value. In this part of the AONB the landscape is generally open and there are long views over open countryside including towards the Thames, Medway and marshes. Access to the site is off a single track rural lane. There is an unauthorised residential caravan site adjacent to the appeal site, a detached dwelling further along the lane and some houses at Swanton Street and along the road to Bredgar. The surrounding fields are in agricultural use, they were previously hop gardens and orchards. The North Kent main National Grid route is nearby and a pylon is close to the site. Despite the nearby houses the area retains an open and rural character and appearance.
11. The site is on a bend in the road where there are substantial hedgerows such that, while the adjacent site is prominent, the appeal site is only apparent from

the lane when travelling from the direction of Silver Street. The cherry trees that were planted adjacent to the site, between the area of hardstanding and the lane, have not survived and the incongruous conifer and evergreen planting around the site can be seen from the lane near the site entrance and from further afield. Nevertheless, the development is small and has a limited effect in the context of such a large scale and expansive landscape.

12. There is a public footpath which crosses the corner of the area where the cherry trees were planted which local residents indicate is well used. It links to other footpaths and rural lanes in the area and previously crossed open fields. The adjacent unauthorised development can be seen from the footpath and the evergreen planting is close to the footpath so that the section which crosses the appellants' property now appears to be passing through a private garden/yard area.
13. I have had regard to the Inspector's conclusion on this matter in the previous appeal relating to the site and the loss of openness resulting from the hardstanding, static caravan and ancillary structures. Nevertheless, it seems to me that much of the harmful effect of the caravan site on the character and appearance of the area is as a result of the incongruous planting. In this case the appellant has suggested additional and replacement planting and this could be secured by the imposition of a suitable condition. I have taken into account that planting generally should not be used to hide an unsuitable development. Nevertheless, in this case the planting of native woodland species along the boundaries of the site, while resulting in some sense of enclosure, would not be unduly out of place as there are substantial hedgerows with trees along several field boundaries in the area.
14. Drawing matters together, I conclude that there would be moderate harm to the main characteristics of the AONB in this area, comprising the openness and long views, and moderate harm to the character and appearance of the area and that that harm could be mitigated by suitable soft landscaping. I note that this conclusion differs from that of my colleague but I am not aware of the full circumstances of the previous case, in particular whether landscaping was proposed, and in any event assessments of the impact of a proposal on the character and appearance of an area are matters of judgement. Nevertheless, while I have found there would be only moderate harm, great weight is to be accorded to conserving landscape and scenic beauty in an AONB.
15. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Local Plan Policy E9 gives priority to the long-term conservation and enhancement of natural beauty in the Kent Downs Area of Outstanding Natural Beauty but I note that this is to be tempered by a consideration of the economic and social well-being of the area and its communities which I shall consider later in this decision. Nevertheless, while the scheme would have little effect on rural lanes and so does not conflict with the provisions of Policy RC7, it is contrary to Policies E1 and E19, although this needs to be considered in the light of other material considerations, which I discuss below.

*Provision of sites*

16. The Council has commissioned a Gypsy and Traveller Accommodation Assessment (GTAA) which in March 2014 identified a need for 82 pitches to be

provided before 2031. The Council confirmed at the Hearing that the GTAA indicated that the effect of in and out migration cancelled each other out. At the time of the refusal of planning permission the Council did not have a five year supply of available and appropriate sites sufficient to meet the need within the borough.

17. During the appeal process the Council advised that planning permission for 20 pitches had been granted since the date of the GTAA and that the remaining requirement for 62 pitches should be spread evenly over the 17 year period such that the demand over the next five years was for 18.2 pitches. The Council also contended that the 10 vacant pitches at Brotherhood Woodyard should be considered as supply rather than provision. On that basis the requirement would be 72, or 21.2 over a five year period, and the supply would be increased by 10 to 22. The Council therefore considered that there was a 5.2 year supply of pitches.
18. At the Hearing the Council confirmed that since the GTAA planning permission had been granted for 42 permanent pitches, 15 were completed and occupied and the Council considered the need should be reduced by that amount, while the remaining 27 were yet to be implemented and so should be considered as supply. Thus the Council considered the need had been reduced from 82 to 67 pitches over the 17 year period, which would equate to 20 over a five year period.
19. The GTAA advises that there is a need for more pitches to be provided at an earlier stage and that the requirement should be 35 pitches by 2018. However, the Council has not adopted a phased approach. The appellant advises that in relation to gypsy and traveller sites there are currently six appeals, 16 sites with temporary consents, some with multiple caravans, eight planning applications for new sites or more caravans, a waiting list for the council site and the issue of household formation to address. As discussed at the Hearing I have some doubts over the methodology employed by the Council and when combined with the conclusions of the GTAA as well as the indication of current need illustrated by the number of applications for sites, this leads me to consider it likely that the level of need would be higher than that identified by the Council.
20. Planning permission has been granted for 42 pitches<sup>3</sup> since 2013. The Council's position is that, whether or not the requirement is front loaded, that is whether the need is 20 or 35 pitches over the next five years, the supply is sufficient to meet this need. Of the 42 pitches permitted, 12 are completed and occupied, 27 are yet to be implemented and 4 are personal permissions, only one of which is complete and occupied. The appellant's criticism of the Council's assessment of supply is based mostly on the size and facilities available on a pitch and that the sites were unsuitable for the majority of gypsies and travellers in the area for ethnic reasons. In respect of the requirements for a pitch I have had regard to *Designing Gypsy and Traveller Sites – A Good Practice Guide* as described by my colleague in a recent Appeal Decision<sup>4</sup>. This indicates that an average family pitch should be capable of accommodating an amenity building, a large trailer and touring caravan, parking space for two vehicles and a small garden.

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<sup>3</sup> Document 4

<sup>4</sup> APP/V2255/A/14/2220447

21. The site at Brotherhood Woodyard(Dunkirk), which the Council considers contributes 10 pitches towards the supply, contains some pitches that are 500m<sup>2</sup> in area and others that are 200m<sup>2</sup>. The appellant maintains that the smaller pitches are not suitable for a residential site as there would not be room for a second caravan and utility building. While the Council is content that the construction of the planned amenity block would result in suitable residential pitches, this would be unusual for permanent residential pitches, would raise security issues for children and the appellant has expressed the view that it would not be suitable for most traveller families. Furthermore, the block has yet to be built and I have seen no evidence that guarantees it will be constructed in the near future. Although my colleague<sup>4</sup> concluded that he did not consider the pitches at Brotherhood Woodyard to be unacceptable, I am not aware of the full detail of the evidence before him and I note that he also concluded that the criticisms of the Council's estimates of supply on the basis of site density and lack of facilities were not refuted by convincing, contrary evidence. While I conclude that the site has its drawbacks in terms of size and facilities there is no reason to entirely discount this site from the potential supply of sites on this basis albeit that at this time the contribution is less than that considered by the Council.
22. The site at Brotherhood Woodyard is owned by a member of the gypsy and traveller community and caters principally for Irish travellers. While my attention has not been drawn to any policy justifying exclusion of the site from the supply on this basis, I recognise that within the traveller community the differences in ethnic origin may lead to strong preferences in terms of with whom families will associate and the site is unattractive to the appellant. I also note that the owner has enquired about leasing part of the site to accommodate foreign seasonal workers, but there is a planning condition which restricts the site to occupancy by gypsies and travellers only.
23. The site at Orchard Park (Upchurch) (8 pitches) also caters principally for Irish travellers but the Council confirmed that this is not a personal permission and the pitches could be occupied by any member of the gypsy and traveller community. Permission was recently granted to increase the number of static caravans on the site. However, while there is no condition restricting permitted development rights for means of enclosure, which would allow for the creation of separate pitches, other restrictions exist. These include the required availability of parking spaces and requirements for planning permission in respect of further development, necessary to meet the usual requirements for a permanent pitch. This leads me towards a conclusion that this permission allows for an increase in density, but not necessarily an increase in pitches. It is not clear whether this permission addresses a specific demand identified in the GTAA.
24. The Council has included in its assessment of supply five pitches at Cricket Meadow (Iwade). The appellant contends the situation is similar to that at Orchard Park and that while permission was granted for four additional mobile homes on the site, there are no individual pitches each with a utility block and no permission for touring caravans. However, while the intention may have been for additional caravans to be provided for members of the family, the Council has confirmed the caravans could be occupied by any member of the gypsy and traveller community.

25. Drawing these matters together, I have found that a determination of the level of future provision and need for sites is subject to a number of considerations, any variation in which could easily alter the conclusions reached. Examples of some of these considerations have been described above. I therefore have reservations that the Council has a five year supply of available and appropriate sites sufficient to meet the need within the borough and conclude that it has not been satisfactorily demonstrated that there is an up-to-date five year supply of deliverable sites. This conclusion is in accord with that of my colleague in the Appeal Decision referred to above<sup>4</sup> who found that there is an element of unmet need.

*Availability of Alternative Accommodation*

26. Alternative sites must be able to provide suitable, available, affordable and lawful accommodation. The appellant stated at the Hearing that he had asked the Council about alternative sites and looked at those that had been suggested, but had found none that were available to him. In any event there is no obligation on the appellant to carry out a search of sites.
27. There are 10 vacant caravans at Brotherhood Woodyard but, as described above, I consider that these would not be a realistic alternative at present due to social tensions and the limited facilities on the site.
28. The Council has referred to the possibility of accommodation in bricks and mortar but this would be contrary to the appellant's ethnic preferences. The Council also advised that some land was available with planning permission and that this could be affordable as a neighbour had offered to buy the appellant's land. However, the appellant did not have knowledge of this and without documented evidence I accord this matter little weight. The Council has also brought to my attention the provisions in the emerging *Gypsy and Traveller Site Allocations* document and the current assessment of sites. However, while there has been some consultation it is not anticipated that this document will be put forward for publication/submission until late summer 2015 and so in my view it warrants little weight. At the Hearing the appellant confirmed that if he and his family had to leave their current home then they would have no alternative but to live on the roadside and I attach significant weight to the appellant's lack of alternative accommodation.

*Personal Circumstances*

29. At the Hearing the appellant confirmed that he, his partner, their two children and his partner's sister and her partner normally resided at the site. The family has been travelling during the summer but most have returned to the site for the winter. I have seen the Health Statement dated May 2014 and the report on the appellant's son's progress at a local nursery and the concerns expressed about attendance at a new establishment.
30. I have had regard to "the primacy of the child" and acknowledge that educational and medical needs do not have to be special or unusual to attract weight, although the weight would increase if that were the case. Access for the appellant and his family to health and educational provision would be more easily maintained from a settled base and would enable the family to enjoy continuity in schooling and healthcare. Nevertheless, this situation is not special or unusual and I attach moderate weight to the appellant's personal circumstances.

*Other Matters*

31. Although not a reason for refusal, at the Hearing the Council raised concerns about the accessibility of the site. The site is less than a mile from Bredgar but access to Bredgar with its shop, post office, school and bus stop is at least in part along country lanes with no footway and this is unattractive for pedestrians and cyclists. It is therefore likely that most journeys would be undertaken by private vehicle and I understand that most of those attending the school arrive by private car. However, given the limited number of trips likely, I conclude a short drive to services would not result in significant harm.
32. Concerns have been raised about the noise from the on site generator. I listened to this on my site visit and as I visited the local lanes but it was rarely discernible, particularly when heard against the noise emanating from the overhead electricity cables. While I accept that circumstances may change in the future, the imposition of a condition requiring noise insulation would protect the living conditions of neighbours. I do not consider it likely that the use of the limited number of vehicles associated with the site would have any significant effect on traffic in the area and while the access is somewhat restricted, the lane is single track, narrow and with sharp bends near the location of the site so there is unlikely to be any fast traffic. In this situation and given the visibility available I do not consider there would be any significant effect on highway safety. I note there has been no objection from the highway authority.
33. In the previous appeal concerning the site<sup>5</sup> the Inspector refused planning permission but in considering the planning balance apportioned more weight than I to the effect on the AONB, as discussed above. I am also mindful that that decision was issued nearly three years ago, before the publication of the PPTS, and that in that period, while making some progress, the Council has yet to secure a demonstrable five year supply of sites.
34. I have had regard to all other matters raised but have found no other matters of more than limited weight.

*Balance of Considerations*

35. I have found that there would be moderate harm to the character and appearance of the area and the AONB and that while priority should be given to the long-term conservation and enhancement of natural beauty in the AONB, development necessary to facilitate the economic and social well-being of the area and its communities may be permitted. Nevertheless, the Framework requires that great weight is given to conserving landscape and scenic beauty. In terms of social well-being, I have found that it has not been satisfactorily demonstrated that there is an up-to-date five year supply of deliverable gypsy sites in the borough, the appellant and his family have a need for accommodation and at present there is no suitable available alternative gypsy site to which the appellant could move.
36. On the particular facts of this case, and having particular regard to the protection of the AONB, the material considerations in support of the proposed development do not outweigh the harm and the balance falls against allowing the appeal.

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<sup>5</sup> APP/V2255/C/11/2156341

37. If planning permission were to be refused, the appellant and his family would lose their home. This would represent a serious interference with the family's right to respect for private and family life and the home (Article 8 of the Human Rights Act 1998). However, if planning permission were granted for a temporary period this would avoid the appellant and his family becoming homeless and give them an opportunity to pursue a site through the local planning process. This would allow long term protection of the environment while having no greater impact on the appellant and his family than would be necessary to address the wider public interest. I have had due regard to the requirements of the Public Sector Equality Duty, in particular the need to eliminate discrimination, advance equality of opportunity and foster good relations between those with protected characteristics and others. In this regard and in coming to my decision I have considered the impacts on the protected group and consider a grant of temporary planning permission would be proportionate in this case. I have therefore considered whether a temporary permission would be acceptable.
38. The possibility of a conditional planning permission granting temporary permission for the development was discussed at the Hearing. In relation to temporary permissions, the PPTS, paragraph 25, provides that, if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. That guidance is a relevant consideration in this case. The absence of a demonstrable up-to-date five year supply of deliverable sites, together with the lack of alternatives to meet the appellant's needs and circumstances at this time, are factors which must be given appropriate weight in the context of the temporary period sought.
39. The Council's *Gypsy and Traveller Site Allocations* document is expected to be put forward for publication/submission in late summer 2015 but may be included in the emerging local plan. I would expect three years to be sufficient to allow time for the provision of a permanent gypsy site through the assessment and allocation of sites and then the grant of planning permission following the adoption of the Council's policy on this matter. It would also give the appellant a reasonable timescale within which to find an alternative site.
40. The contribution towards meeting the unmet need would be short lived in these circumstances but the harm to the AONB would not endure permanently. I therefore conclude that in considering whether a temporary permission should be granted, the weight to be attached to the absence of a five year supply of deliverable sites tips the balance and justifies the grant of such a permission in this case.
41. I have found that a five year supply of deliverable sites has not been demonstrated satisfactorily and in these circumstances the Framework advises that housing applications should be considered in the context of the presumption in favour of sustainable development. I have seen little evidence in respect of the economic dimension of sustainable development and while there would be some detriment in terms of the environmental dimension; this would be outweighed by the social benefits provided that permission is given for a temporary period only. In this regard I consider that the impact on the social well-being of the area and its communities results in the development being in accord with Local Plan Policy E9. While I have found there would be



some conflict with Policies E1 and E19 I conclude that the presumption in favour of sustainable development is a material consideration that indicates a decision otherwise than in accordance with the development plan. On balance, the development would be in accordance with the Framework and the PPTS and the appeal should be allowed.

**Conditions**

42. At the Hearing, the Council's list of suggested conditions to be imposed in the event of the appeal being allowed was discussed. A condition limiting occupation to gypsies and travellers is needed as the development is justified in the context of policies for gypsies and travellers. The personal circumstances of the appellant and his family are material considerations in relation to this appeal, however, they were not determinative in this appeal and I consider a personal condition to be unnecessary. The number of caravans on the site should be restricted to limit the scale of the development in the interests of the appearance of the area and a condition limiting occupation to a temporary period is necessary for planning permission to be granted as described above.
43. The site is on a chalk aquifer and the Council is concerned about the quality of water which is abstracted for drinking. It is therefore reasonable to impose a condition requiring a foul water drainage scheme to be agreed and implemented. Although planning permission would be granted for a temporary period, it seems to me that some landscaping improvement would be worthwhile to limit the harm to the environment. As described above I consider a condition requiring a scheme of noise insulation for the generator to be necessary in the interests of the living conditions of local residents. Since the proposal is partially retrospective, conditions stipulating requirements for providing further details should be imposed together with provisions in the event of non-compliance. The format of the conditions and the timescales for compliance were discussed at the Hearing and there was no objection to the Council's proposals. I consider this type of condition to be particularly important in this case given the weight I have afforded to suitable landscaping and the consequences of failure to protect against pollution.
44. Conditions limiting the size of vehicles to be stationed, parked or stored on the site and prohibiting commercial activity and limiting lighting on the site are also necessary in the interests of the character and appearance of the area.
45. For the reasons given above I conclude that the appeal should be allowed.

*J M Trask*  
INSPECTOR

**APPEARANCES**

## FOR THE APPELLANT:

Mr Joseph Jones	Bucks Floating Support Gypsy Council
Mr Joe Jones	Bucks Floating Support Gypsy Council
Mr Benjamin Brazil	Appellant

## FOR THE LOCAL PLANNING AUTHORITY:

Mr Graham Thomas BSc (Hons) DipTP MRTPI	Area Planning Officer, Swale Borough Council
Ms Shelley Rouse BSc(Hons) TP MRTPI	Senior Planner, Planning Policy Team, Swale Borough Council

## INTERESTED PERSONS:

Cllr Monique Bonney	Borough Councillor, West Downs Ward, Swale Borough Council
Mr Beverley Willis	Chairman, Bredgar Parish Council
Ms Penny Twaites	Parish Councillor, Bredgar Parish Council and Governor, Bredgar Church of England Primary School
Mr Nicolas Reuttner	Local resident

**DOCUMENTS**

- 1 Letter from Mr Bill Best dated 1 December 2014
- 2 Appeal Decision Ref: APP/V2255/A/14/2220447
- 3 Questions raised in September 2014 by the appellant in Appeal Ref:  
APP/V2255/A/14/2217511
- 4 The Council's response to the questions in Document 3, dated September  
2014 and a Table of permissions granted since 8 February 2013, dated  
December 2014
- 5 Timetable for production of the Local Plan: Bearing Fruits and the Local  
Plan Part 2: Gypsy and Traveller Site Allocations
- 6 Table of Private Gypsy Sites in Swale as at November 2014
- 7 Swale Borough Local Plan 2008 Policy RC7 Rural Lanes
- 8 Drawing showing the layout of the site at Brotherhood Woodyard
- 9 Map of footpaths in the area
- 10 Appellant's response to Document 4

**Schedule of Conditions: 1 to 10****Appeal Ref: APP/V2255/A/14/2222135 Application Ref: SW/14/0362**

- 1) 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.
- 2) No more than two caravans(s), 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.
- 3) The use hereby permitted shall be for a limited period being the period of three years from the date of this decision. At the end of this period the use hereby permitted shall cease, all caravans, buildings, structures, materials and equipment brought on to, or erected on 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 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 the requirements set out in (i) to (iv) below:
  - i) within three months of the date of this decision a scheme for the restoration of the site to its condition before the development took place at the end of the period for which planning permission is granted for the use, (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.
- 5) 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 three months of the date of this decision a scheme for the means of foul water drainage of the site 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 detailed in (i) 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 scheme shall have been approved by the Secretary of State.
  - iv) the approved schemes shall have been carried out and completed in accordance with the approved timetable.
- 6) 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) notwithstanding the details submitted, within three months of the date of this decision details for the landscaping of the site shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation. The scheme shall include details of the size, species and positions for new trees and plants, boundary treatments, any retained planting and provisions for an ongoing maintenance scheme. Any trees or plants which within the remaining period of the planning permission die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
  - ii) within 11 months of the date of this decision the site development scheme detailed in (i) 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 scheme shall have been approved by the Secretary of State.
  - iv) the approved schemes shall have been carried out and completed in accordance with the approved timetable.
- 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 three months of the date of this decision a noise insulation scheme for the generator shall have been submitted for the written approval of the local planning authority and shall include a timetable for its implementation.
  - ii) within 11 months of the date of this decision the site development scheme detailed in (i) 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 scheme shall have been approved by the Secretary of State.

- iv) the approved schemes shall have been carried out and completed in accordance with the approved timetable.
- 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, including the storage of materials.
- 10) No floodlighting, security lighting or other external lighting shall be installed or operated at the site other than in accordance with details that have first been submitted to and approved in writing by the local planning authority.