
Appeal Decision

Hearing Held on 11 October 2022

Site visit made on 11 October 2022

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 11 November 2022

Appeal Ref: APP/H1705/W/20/3251951

Land at Newbury Road, Headley, Hampshire RG19 8JZ

- 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 Randolph Black against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/00441/FUL, dated 12 February 2019, was refused by notice dated 6 November 2019.
 - The development proposed is the use of land for the stationing of caravans for residential purposes and erection of 4 no utility/dayrooms.
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Decision

1. The appeal is allowed and planning permission is granted for the use of land for the stationing of caravans for residential purposes and erection of 4 no utility/dayrooms at land at Newbury Road, Headley, Hampshire RG19 8JZ in accordance with the terms of the application, Ref 19/00441/FUL, dated 12 February 2019, subject to the conditions set out in the attached schedule.

Procedural matter

2. The address and description of development contained in the above header and decision differ from that contained on the application form. However, they more accurately reflect the site location and proposal, were used on the decision notice and in the appeal documentation, and are accepted by the main parties.

Background and main issues

3. The application was promoted on the basis that it is a traveller site for those who meet the planning definition of 'gypsies and travellers' set out in Planning Policy for Traveller Sites (PPTS). The appellant claimed that the particular households intending to occupy the site met this definition. Since the hearing, the Court of Appeal (CoA) has found that the PPTS definition is unlawfully discriminatory¹. However, the PPTS, which sets out the Government's policy for traveller sites, remains extant, albeit some parts of

¹ Smith v SSLUHC & Ors [2022] EWCA Civ 1391

it are affected by the judgement. I address the implications of the CoA judgement later in this decision.

4. A Statement of Common Ground (SOCG) was finally completed on 10 October 2022. Having regard to the SOCG and the above background, the main issues are:
 - (1) whether the use would result in a sustainable pattern of development, with particular reference to accessibility to services and integration with the local community;
 - (2) the effect on the character and appearance of the area, including on existing trees;
 - (3) the effect on biodiversity;
 - (4) the effect on the setting of the designated heritage asset of Knightsbridge House;
 - (5) whether the proposal would result in a suitable living environment for future occupiers, with particular reference to noise levels; and,
 - (6) the need for and provision of sites.

Reasons

Pattern of development

5. The appeal site is in open countryside beyond any designated settlement boundary, but near the small village of Headley that lies some 1.4km to the south and which has a village store/post office. Ashford Hill, which has a defined settlement boundary, primary school, and village hall, is some 5km to the east. The town of Newbury and the large village of Kingsclere are about 6km to the north and south respectively.
6. There is a pavement alongside the A339 between the site and Headley so walking to the village would be possible. Other settlements are beyond walking distance. Cycling to nearby settlements would be hazardous because of the busy nature of the A339 or due to the character of connecting country lanes to Ashford Hill. However, there is a reasonably frequent bus service on the main road connecting the location with Newbury and Basingstoke with a bus stop less than 200m to the north of the site
7. Therefore, there would be some scope for walking and using public transport to access nearby towns and villages. That said most journeys, including shopping trips and visits to the school, doctors, or hospital, are likely to be undertaken by private vehicle. However, trips to access facilities would not be long and would be commonplace for a rural area. Based on my experience, having regard to the other appeal decisions put before me, and taking into account that many traveller sites are located in rural areas beyond settlements, the proposal is comparable or better than many other traveller sites in terms of accessibility.
8. A site for four households would not be out of scale with the local community in that there are a dozen or so dwellings near the site around Knightsbridge House and Knightsbridge Drive and considerably more in Headley. The requirement for an acoustic fence along the frontage with the A339 would provide something of a barrier to the main road. However, it is fairly commonplace for screening to be provided to a busy road as is seen by the close boarded fencing at Knightsbridge House and Lodge. I do not consider

that the acoustic fence would prevent integration with, or isolate the site residents from, the local community. There is nothing to suggest that a peaceful and integrated co-existence between those who would be on the site and the local community could not be achieved.

9. In conclusion, the proposal would result in a sustainable pattern of development, with particular reference to accessibility to services and integration with the local community. There would be compliance with criteria c) and g) of Policy CN5 of the Basingstoke and Deane Local Plan 2011 to 2029 (B&DLP) in that the site is located within reasonable distance of local services. There would be no conflict with Government policy contained within PPTS, and, in particular, the requirement to 'very strictly limit new traveller site development in open countryside', as the site would not be 'away from existing settlements'.

Character and appearance

10. The site lies within the Ecchinswell Character Area as identified in the Landscape Character Assessments of 2001 and 2021 and displays some of the key characteristics of the Character Area. In particular, it comprises gently sloping open land rising from a tributary of the River Enborne to the north and contains tree cover providing a degree of enclosure and intimacy. However, the busy A339 and the businesses to the north of the stream are also significant influences on the character of the site and its surroundings. As such the site and surrounding area do not have a feeling of remoteness or a strong rural character.
11. Development of the site would change the landscape character by replacing the open nature of the upper part of the site with caravans, day rooms and hardstandings containing vehicles. Despite reference to there being caravans nearby, my visit did not show that they are a common feature in the immediate surroundings or the wider area.
12. The development could also lead to some loss of trees. The plans accompanying the application are not detailed enough to clearly indicate the extent of tree loss. However, comparing the tree constraints plan contained within the Tree Survey² with the submitted layout plan, it would appear that some of the oak, hazel, ash, and lime within Tree Groups 3, 5 and 6 would have needed to be removed. Moreover, the Wellingtonia redwood (T3), a lime (T4) and an oak (T5) would have been close to caravans.
13. However, since the tree constraints plan was prepared in 2019, a number of trees have been lost through storm damage, particularly within Tree Groups 3 and 6. Moreover, it would appear that the Wellingtonia has deteriorated further since 2019 when it was noted that it was sparsely foliated with major deadwood, albeit a tree of moderate quality. Its removal would not be significantly harmful to the arboricultural and landscape qualities of the site or area overall.
14. Therefore, having regard to the trees that have been lost and with the removal of the Wellingtonia, there is a significant area of the upper part of the site which could be developed with four pitches without requiring further

² Drawing No: Arbtech TCP01

trees to be removed. Taking the current circumstances into account and having regard to the level of detail, the site layout plan should be treated as indicative. The submission of a site development scheme informed by an updated tree constraints plan, arboricultural method statement and tree protection plan would, to my mind, allow the proposed development to go ahead without a significantly harmful effect on the remaining landscape and arboricultural contribution provided by the trees on the site.

15. The development would be visible from the A339, particularly when travelling uphill from north to south, and would also been seen from the properties immediately to the north. However, tree cover around the stream, along the A339 and in the grounds of Knightsbridge House would prevent longer distance views of the caravans, dayroom buildings, and associated paraphernalia. The retention of the remaining trees, other than the Wellingtonia, and boundary hedgerows, together with additional planting within the site and to the boundaries, would soften the impact of the development from close up views.
16. An acoustic fence along the boundary with the A339 would have the potential to be a stark and incongruous feature, notwithstanding the presence of close boarded fences to the south. However, the exact position of the acoustic fence has not been shown. Its siting and its position relative to existing and proposed landscaping could be addressed by a site development scheme. There would be the potential for indigenous hedge planting between the acoustic fence and the main road and also for similar mitigation to be included to soften the visual impact from neighbouring properties, particularly Knightsbridge Lodge.
17. In conclusion, there would be some localised harm to the character and appearance of the area, but that harm could be reduced through a sensitive site development scheme. Notwithstanding the potential for mitigation, there would be conflict with Policies CN5, EM1 and EM10 of the B&DLP because there would be an adverse impact on the natural environment and landscape, and the development would not positively contribute to local distinctiveness.

Biodiversity

18. The site is not designated as being of importance for biodiversity. The Alderbrook Site of Nature Conservation Interest lies close by, to the west of the A339, but no linkages with the site are evidenced. However, the ecological information accompanying the appeal indicates that the site has some habitat and species interest. The site contains a mix of semi-improved neutral grassland, tall ruderal vegetation, and dense scrub, together with the trees referred to above. The stream runs to the north of the site. That said, the Preliminary Ecological Appraisal referred to seasonally wet grassland but the follow up Ecological Impact Assessment³ indicated that the grassland did not match this key habitat type that is referred to in the Council's Biodiversity Supplementary Planning Document.
19. The site contains small populations of common toad and grass snakes. Although not present when surveys were undertaken, there is the possibility

³ See Document No 3

of great crested newts using the site as terrestrial habitat due to the proximity of ponds. Birds may nest and bats roost and forage on the site due to the presence of woody vegetation, scrub, and trees.

20. The development would lead to the loss of the tall ruderal vegetation as this is on the upper part of the site. However, it would be feasible to create compensatory habitats such as a wildflower meadow, wet grassland, and pond, on the northern part of the site. These would be suitable for amphibians and reptiles. Other reasonable avoidance measures, mitigation, and enhancements could be implemented during site clearance and implementation phases as set out in the Ecological Impact Assessment. That said, no metric is before me to demonstrate whether there would be a biodiversity net gain.
21. Overall, there would be likely to be some harm to biodiversity but there is scope to limit the residual effects such that the harm is unlikely to be significant. As significant harm to biodiversity is likely to be avoided, the proposal would not be contrary to Policy EM1 of the B&DLP, albeit there would be some conflict with the relevant criterion in Policy CN5 which has a higher bar of 'no adverse impact'.

Heritage asset

22. Knightsbridge House, to the south of the site, is a Grade II listed building. Its significance is derived from its early 19th century origins and its architectural form and detailing. The short listing description refers primarily to the features of its front elevation.
23. Despite the findings of the appellant's heritage statement, the curtilage of the building includes Knightsbridge Lodge at the original main gate and the other properties within the grounds to the rear. There is no indication that the appeal site historically formed part of the garden of Knightsbridge House. However, the presence of the Wellingtonia and other trees suggests that it may have been part of a wider parkland setting, despite the lack of documentary evidence to support this association.
24. When I undertook my site visit there was very little intervisibility between the appeal site and Knightsbridge House. I could only see the chimney tops of the main house as it is hemmed in by fairly dense coniferous and deciduous vegetation. Whilst a little more of the house may be seen when some trees are not in leaf, it would appear that views would remain limited. Similarly, Knightsbridge House could not be easily seen from the main road such that it would be unlikely that a passer-by would observe the listed building as part of the backdrop to the appeal site. Significant parts of the house only become visible from the north along Knightsbridge Drive. From this direction there is no perception of a physical or functional relationship between the house and the appeal site.
25. The use of the appeal site for traveller pitches would lead to the loss of part of the open setting of the heritage asset, including possibly some of its previous parkland. However, the caravan site and the front elevation of the listed building would not be read together. Only glimpses of the upper part of Knightsbridge House would be seen as a backdrop to the development. The caravans and the curtilage building of Knightsbridge Lodge would be

more readily seen alongside each other but vegetation would intervene so there would not be a close visual relationship. Moreover, as indicated above, the acoustic fence could be softened and screened by vegetation such that it would not be readily apparent.

26. All in all, there would be less than substantial harm to the significance of Knightsbridge House due to the effect of the traveller site on its wider setting. The harm would be towards the lower end of the scale of less than substantial harm. As the development would not conserve or enhance the heritage asset, there would be conflict with Policies EM11 and CN5 of the B&DLP.

Living environment

27. The noise report accompanying the application recommended that an acoustic fence be erected close to the roadside boundary to combat traffic noise. The Council accept that, subject to the caravans being designed to recognised noise insulation standards, the acoustic fence would provide sufficient mitigation from road noise.
28. Potential noise from the Four Kingdoms Adventure Park, which lies to the north of the stream, was not assessed in the noise report accompanying the appeal application. However, the noise impact assessment of August 2022, which accompanied an application for 8 dwellings on the appeal site, did not show particularly high sound levels on the nearest part of the site to the adventure park. This may reflect the buffer provided by the wooded stream and the layout of the adventure park which has a car park near to its southern boundary. Levels were higher closer to the road. Whilst there might be occasions when special events might lead to higher noise levels, these are likely to be predominantly during the daytime and over the summer months. It is unlikely that noisy activities would occur consistently throughout the year, week and at night time. Site occupants would be likely to be travelling for periods during the summer.
29. Moreover, based on my experience traveller sites are often located in much noisier environments than that of the appeal site, for example close to major roads and other transport infrastructure. I note that in the appeal decision submitted by the appellant, the Inspector found that a traveller site adjacent to the M40 would provide satisfactory living conditions for future residents⁴. Whilst each case and the particular noise climate is different, the decision is an indication of the type of noise environment that might be found acceptable. Having regard to the above, it is unlikely that occupants of the site would complain about the adventure park so as to restrict activities.
30. For the above reasons the proposal would result in a suitable living environment for future occupiers, with particular reference to noise levels. There would be compliance with Policy EM12 of the B&DLP in this regard as there would be no detrimental impact on the quality of life as a result of existing nearby land uses and activities.

⁴ See Document No 1

Need for and provision of sites

31. Policy CN5 of the B&DLP indicated that provision would be made for 16 additional gypsy and traveller pitches and 3 temporary stopping places to accommodate needs identified in the Gypsy and Traveller Needs Assessment (GTNA) of 2015. Following the introduction of the revised definition of gypsies and travellers in the 2015 PPTS, an updated GTNA was published in April 2017. This later report, with a baseline of January 2017, indicated a need for 8 pitches for households that meet the definition, up to 9 pitches for unknown households, and 3 pitches for households that do not meet the PPTS definition.
32. Notwithstanding the more recent GTNA, the adopted development plan should form the baseline for identified need as this is the document and supporting evidence base that has been scrutinised through examination. Moreover, assuming that most of the unknowns identified in 2017 meet the definition, the conclusions from the two GTNA on additional pitch requirements would not be far apart. Added to this need is that arising from the households who were on the 8 pitches at the Little London Road, Silchester site, where an enforcement notice was upheld on appeal in July 2022⁵. The unauthorised site was referred to in the 2017 GTNA but not taken into account in terms of generating any need because at that time there was insufficient clarity about occupation. In any event, taking into account the CoA judgement and going off the 2017 GTNA, the current pitch need for all ethnic gypsies and travellers is likely to be no less than 20.
33. The B&DLP made some provision for pitches through large greenfield housing allocations. Of the allocations, 5 pitches have been permitted at Manydown on the edge of Basingstoke and 1 pitch at Basingstoke Golf Course. An application for 2 pitches at Hounsme Fields remains pending because of an issue with a pipeline. In addition 2 pitches were permitted at appeal on an occupied site at Pamber Heath in January 2018⁶. No other permissions have been granted since the adoption of the B&DLP in May 2016, although a further allocation on land east of Basingstoke makes provision for a single pitch. Therefore, provision that has been made or is planned for since the adoption of the B&DLP amounts to around 11 pitches against a need for at least 16 pitches.
34. In terms of a 5 year supply of deliverable sites, the Inspector in the Silchester appeal indicated that the 5 year requirement is for 8 pitches. Having considered the conclusions of the GTNA and the other evidence before me such as that relating to the occupancy of the Silchester site, I consider that this figure would represent the minimum required. Taking into account permissions, some 6 pitches are currently deliverable. As the application at Hounsme Fields is undetermined, I would not consider the site deliverable at present. Therefore, there is not a 5 year supply of deliverable sites.
35. Accordingly there is a need for further pitches for travellers both to ensure a 5 year supply of deliverable sites and to get closer to the pitch requirement of the B&DLP which is itself likely to be an underestimate of current needs.

⁵ Appeal Ref: APP/H1705/C/18/3210244 dated 6 July 2022

⁶ Appeal Ref: APP/H1705/C/17/3166670 dated 17 January 2018

This conclusion differs from that of the Inspector in the Silchester appeal but I have explained why the Hounsme Fields site should not be considered deliverable. Moreover, the CoA judgement represents a material change in circumstances since July.

Other matters

36. Little information was provided about the intended site occupants in advance of the hearing. At the hearing itself a member of each family who was likely to live on the site, or a representative of the family, explained about the travelling patterns of the families. The verbal evidence provides a picture of families who have travelled for an economic purpose for some time. Having heard the evidence the Council were of the opinion that the families met the PPTS definition. I was also of the same view. Moreover, in light of the CoA judgement, there is no reason to dispute that the families are Romany Gypsies.
37. Three of the households that intend to occupy the site are currently doubling up on private and public sites. The fourth are on an unauthorised site subject to an enforcement notice. Therefore, all the households are in need of pitches. I was not made aware of any alternative suitable sites that are currently available to them either within the District or further afield.
38. The households are part of the extended family of the appellant who has a site in Tadley, north of Basingstoke. Whilst there are connections with Surrey and Wiltshire as well as Hampshire, the appeal site would enable the households to interact with other extended family members which is an important part of traveller culture.
39. The households include 9 children, 3 who are of school age, the remainder being in their pre-school years. From what I was told, any formal education of the school age children has been patchy. Being able to occupy the site would allow the children to have more consistent schooling or commence their education.
40. The benefits of a settled base are well-documented in terms of education and access to health care. There would also be advantages for the general well-being of the families in being settled, and having continual access to basic amenities and a secure living environment. In particular a settled base would be in the best interests of the children and their education, health, safety, and welfare.
41. A settled base would also achieve the other sustainability benefits set out in paragraph 13 of PPTS, in particular reducing the need for long-term travelling and environmental damage caused by unauthorised encampment, and reflect the traditional lifestyles of living and working from the same location. The development would not result in undue pressure on local infrastructure and services. With regard to the latter, I have not been provided with any firm evidence about any capacity issues in schools or health care.
42. Although the lower part of the site by the stream is at risk from flooding, the part of the site to be occupied is not. A public sewer appears to be available

for foul water. Surface water should be capable of being dealt with in a sustainable manner.

43. Permission already exists for a vehicular access into the site. The access would have acceptable visibility. The plans make provision for turning within the site.
44. Provided conditions prevent business use, the noise generated by families occupying the site would not be significant. Existing and proposed landscaping together with relative levels would ensure no material loss of privacy for adjoining occupants of Knightsbridge Lodge. Lighting could be controlled such that it does not spill onto nearby properties.
45. The site is divorced from adjacent agricultural land and does not appear to have been farmed recently so has limited value for food production.

Planning balance, conditions, and conclusion

Planning balance

46. There would be some localised harm to the character and appearance of the area. There would also be the likelihood of some harm to biodiversity. However, the site does not lie within a valued landscape and is not designated as being of importance for biodiversity. Many traveller sites lie in the countryside and it is inevitable that some level of harm often arises from such developments. Conditions can be imposed to mitigate the harm. In these respects I attach only moderate weight to these harms. There would be less than substantial harm to the significance of Knightsbridge House due to the effect on its setting. I have not identified any other harms.
47. The fact that the proposal would result in a sustainable pattern of development and a suitable living environment are expected of traveller sites so would be neutral factors.
48. In terms of benefits, the proposal would assist in ensuring a 5 year supply of deliverable sites and would also contribute to the pitch requirement set out in the B&DLP. A permission would provide a settled base for 4 households and achieve the sustainability benefits outlined in paragraph 41 above.
49. The proposal, taking into account the potential to impose conditions, would comply with Policies EM4 and EM12 of the B&DLP. However, there would be conflict with Policies EM1, EM10 and EM11. In terms of Policy CN5, which is the most important policy for determining the appeal as it relates specifically to travellers, criteria a), c), d), e) f) and g) would be met but as indicated above, there would be an element of conflict with criterion b) because of the limited adverse impact on the natural and historic environment. Whilst the policy requires that each criteria is met, I find a significant degree of compliance taking the policy as a whole.
50. Having regard to the basket of policies, I conclude that the proposal would comply with the development plan overall. The harm to the character and appearance of the area, biodiversity and the designated heritage asset would be outweighed by the benefits. In terms of paragraph 202 of the National Planning Policy Framework, the less than substantial harm to the significance of the designated heritage asset would be outweighed by the public benefits

that would arise from the proposal, notwithstanding the considerable weight that should be given to the asset's conservation.

Conditions

51. A schedule of conditions that could be imposed should planning permission be granted was included with the SOCG. These and other potential conditions were discussed at the hearing.
52. A condition specifying the approved plans is necessary for certainty. However, I have excluded the site layout plan from the condition for reasons explained in paragraph 14 of this decision.
53. For the reasons also set out in paragraph 14, I have imposed a condition requiring a tree constraints plan, arboricultural method statement, and tree protection plan. These documents would then inform a site development scheme which would also address details of landscaping, ground levels, parking and turning facilities, refuse and recycling, and the position and design of the acoustic fence. To ensure a comprehensive approach to the design and layout of the site, the scheme should also include lighting and drainage details.
54. A construction method statement is necessary to prevent highway hazards and pollution. Wildlife protection and habitat enhancement are needed for the reasons set out in paragraph 20.
55. Conditions 3) to 6) need to be resolved pre-commencement as they are fundamental to achieving a well-planned development or they relate to measures that need to be implemented or in place before works start. These pre-commencement conditions have been agreed in writing by the appellant.
56. In the light of the CoA judgement, a condition limiting occupation to those who meet the definition of travellers within PPTS could be considered unlawfully discriminatory. However, a condition restricting the site to gypsies and travellers would still be required as the appeal has been considered against their particular needs and in the context of relevant national and local policy. Limitations on the number of caravans, commercial vehicles, and commercial activities are required in the interests of the character and appearance of the area and to protect the living conditions of nearby residents. Landscaping maintenance is needed for similar reasons.
57. A condition requiring any static caravans to be designed to modern noise insulation standards is required for the reasons set out in paragraph 27. Any gates erected should be set back from the main road in the interests of highway safety.
58. A condition preventing vehicular access from the highway, other than as shown on the plans, is not necessary as such an operation would require planning permission. Preventing any touring caravans from being slept in overnight is, to my mind, not necessary in this case because such occupation tends to be infrequent and I do not regard the noise climate to be bad enough to prevent occasional such use.

59. Whilst I refer briefly to the traveller status and personal circumstances of the potential occupants in my decision, they have not been factors which have been decisive. There is a general need for additional pitches in the District which, together with the sustainability benefits, would outweigh the harm. Therefore, a condition limiting occupation to specific traveller households is not necessary.

Conclusion

60. For the above reasons I conclude that the appeal should be allowed and planning permission granted subject to the conditions set out in the attached schedule.

Mark Dakeyne

INSPECTOR

Attached

Annex A - Schedule of Conditions

Annex B – Appearances

Annex C – Plans and Documents submitted at the hearing

Annex A

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan (Drawing No.18_955_001)
Proposed Utility/Day Room (Drawing No.18_955_005 Rev A).

Prior to commencement

- 3) No development, including site clearance, ground preparation, temporary access construction/widening, material storage, or construction works, shall commence until a tree constraints plan, arboricultural method statement, and tree protection plan, have been submitted to, and approved in writing by, the local planning authority. All works shall be carried out in accordance with the arboricultural method statement and tree protection plan.
- 4) Prior to the commencement of the development hereby permitted and notwithstanding the details shown on the Site Layout Plan Drawing No 18_955_003 Revision B, a scheme (hereafter referred to as the Site Development Scheme) shall be submitted to, and approved in writing by, the local planning authority, which shall include:
 - (a) a revised site layout informed by the tree constraints plan required by condition 3);
 - (b) a hard and soft landscaping scheme. Hard landscaping shall include means of enclosure and surfacing materials. Soft landscaping shall include identification of all trees, shrubs, and hedges to be retained showing their species, spread and maturity; new tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; and a schedule of landscape maintenance for a period of 5 years following initial planting;
 - (c) existing and proposed ground levels;
 - (d) a close boarded fence sited and designed in accordance with the recommendations of the Noise Impact Assessment by Sound Planning dated 24 October 2019;
 - (e) parking and turning facilities;
 - (f) details of external lighting within the site;
 - (g) details of foul and surface water drainage, the latter to be based on sustainable drainage principles and to include management and maintenance arrangements; and,
 - (h) details of a communal storage and collection area for refuse and recyclables together with a turning area for refuse and recycling collection vehicles.

The development shall be carried out in accordance with the Site Development Scheme which shall be implemented in full prior to the occupation of any of the pitches hereby permitted. Following implementation of the approved Site Development Scheme, that scheme shall thereafter be maintained. No lighting, hardstandings or means of

enclosure other than those forming part of the approved scheme shall be constructed or erected on the site.

- 5) No development shall take place on site until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall include for:
 - i. Means of access (temporary or permanent) to the site from the adjoining public highway;
 - ii. The parking and turning of vehicles off the public highway (to be established within one week of the commencement of development);
 - iii. Loading and unloading of plant and materials away from the public highway;
 - iv. Storage of plant and materials used in constructing the development away from the public highway;
 - v. Wheel washing facilities or an explanation why they are not necessary;
 - vi. Measures to control the emission of dust and dirt during construction;
 - vii. Measures to prevent the pollution of the adjacent watercourse during construction;
 - viii. A scheme for recycling and disposing of waste resulting from construction work; and,
 - ix. Details of construction hours.
- 6) No development, including any soil moving, temporary access construction/widening, or storage of materials, shall commence on site until details of a wildlife protection, mitigation and habitat enhancement scheme have been submitted to, and approved in writing by, the local planning authority. The scheme shall be carried out in accordance with the approved details prior to the occupation of any pitch and thereafter maintained in accordance with the approved details. The wildlife protection, mitigation and habitat enhancement scheme shall be based on the measures set out in the Ecological Impact Assessment submitted by David Archer Associates dated December 2021 and in particular Table 5.2 and Sections 5 and 6.

Post occupation compliance

- 7) The site shall not be occupied by any persons other than gypsies and travellers.
- 8) The development hereby permitted shall comprise no more than 4 pitches. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan or mobile home) shall be stationed on each pitch at any time.
- 9) No commercial vehicle over 3.5 tonnes unladen weight shall be kept on the land.
- 10) No commercial activities, including the storage of materials relating to commercial activities, shall take place on the land, other than the storage of materials in vehicles authorised to be kept on the land.

- 11) Any trees, hedges or shrubs planted in accordance with the Site Development Scheme approved under condition no 4 which, within a period of 5 years from the date of planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 12) Any static caravan or mobile home shall comply with BS 3632:2015 in relation to sound insulation and ventilation requirements.
- 13) Any gates erected on the access drive shall be set back by a minimum of 12m from the back edge of the carriageway and shall open inwards.

END OF CONDITIONS

Annex B

Appearances

FOR THE APPELLANT:

Alan Masters	Counsel
Alan Woods BA(TP) MRTPI	WS Planning and Architecture
Randolph Black	Appellant
Abraham James	Prospective site occupant
John Cole	Representative of prospective site occupant
Billy Connors	Prospective site occupant
Jimmy Slater	Prospective site occupant

FOR THE LOCAL PLANNING AUTHORITY:

Phillip Richards	Principal Planning Officer
Laura Craddock	Capita
Catherine Daly	Landscape Officer
Julia Nethercott	Biodiversity Officer
Mark Jones	Environmental Health Officer

INTERESTED PERSON:

Steve Carvell	Local resident
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Annex C

Plans and Documents submitted at the hearing

Document No 1	Appeal decision ref: APP/C3105/W/18/3219199 dated 27 March 2020 submitted by the appellant
Document No 2	Appellant's Noise Impact Assessment dated 24 October 2019 (Sound Planning)
Document No 3	Appellant's Ecological Impact Assessment dated December 2021 (David Archer Associates)
Document No 4	Plan showing location of appeal site in relation to Four Kingdoms Adventure Park submitted by the Council