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## Appeal Decision

Hearing held on 8 May 2024

Site visit made on 8 May 2024

**by G Pannell BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 May 2024

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**Appeal Ref: APP/H0520/W/23/3334636**

**Legacy Park, Chatteris Road, Somersham, Huntingdon, PE28 3DN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Frederick Adams against the decision of Huntingdonshire District Council.
  - The application Ref is 18/00840/FUL.
  - The development proposed is Change of use of land to provide four additional Gypsy/Traveller pitches with day rooms and gym room/ store.
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### Decision

1. The appeal is allowed and temporary planning permission is granted for Change of use of land to provide four additional Gypsy/Traveller pitches with day rooms and gym room/ store at Legacy Park, Chatteris Road, Huntingdon, PE28 3DN in accordance with the terms of the application, Ref 18/00840/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

### Applications for costs

2. An application for costs was made by Mr Frederick Adams against the decision of Huntingdonshire District Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. There were no substantive changes of relevance to this appeal proposal. A revised version of the Planning Policy for Traveller Sites (PPTS) was also published on 19 December 2023. The main change of relevance to this appeal is the definition of gypsies and travellers in Annex 1 which reinstates those who have ceased to travel permanently.
4. I observed the development that has taken place on the appeal site and that the site is occupied. However, the plots have not been established as indicated on the submitted plans. Therefore, I have had regard to drawing 4805/01/05 only insofar as it denotes the site boundary and access.

### Main Issues

5. The statement of common ground confirms that the parties are now in agreement that sufficient information has been submitted to establish the Gypsy and Traveller status of the proposed occupiers and that a unilateral undertaking has been submitted to secure the provision of wheeled bins.

6. On this basis the Council is no longer pursuing its first and third reasons for refusal as outlined in its decision notice.
7. Therefore, the main issues in relation to this appeal are:
  - whether the development would be at risk from flooding
  - the effect of the development on the character and appearance of the area;
  - whether the development would provide acceptable living conditions for future occupiers, with particular reference to social isolation.

## **Reasons**

### *Flooding*

8. The great channel of the Ouses Washes is approximately 3.25km from the appeal site and together with the Ouse Washes Barrier banks, the Ouse Washes protect the area from fluvial flooding from the Delph and New Bedford rivers. The Delph and New Bedford Rivers are artificial channels into which water from the Great Ouse is channelled at Earith. The site is protected from these potential sources of flooding because, if the river banks are at risk of being over topped, the Environment Agency opens the Earith Sluices to allow water into the Ouse Washes from the Great Ouse.
9. Sited within the Middle Level of the Fens, the site lies within Flood Zone 3a but the Environment Agency have confirmed that it is located outside of the extent of the Fenland Breach mapping and is therefore not considered to be at a risk of flooding in the event of a breach of the Ouse Washes flood defences. The main source of flood risk at this site is associated with watercourses under the jurisdiction of the Warboys, Somersham and Pidley Internal Drainage Board (IDB). The Middle Level Commissioners, on behalf of the IDB, have set out that there are a range of defences to minimise the risks of flooding and that these have been designed to give adequate protection between the 1 in 60 and 1 in 100 years events, inclusive of climate change.
10. However, the proposal would increase the number of caravans on the site and involve the erection of associated dayrooms, as such the proposed intensification of the number of residential caravans on the site would increase the number of households to be affected by any future flooding.
11. The Huntingdonshire Local Plan to 2036, May 2019 (LP) sets out within Policy LP5 a proposal will only be supported where all forms of flood risk, including breaches of flood defences or other defence failures have been addressed and with reference to the Cambridgeshire Flood and Water Supplementary Planning Document (SPD). This includes that the sequential approach and sequential test are applied and passed and if necessary the exception test is applied and passed. The majority of the site has been identified as being within Flood Zone 3a.
12. Whilst the appellant's Flood Risk Assessment December 2022 (FRA) makes reference to the site being within Flood Zone 1 within the 2010 Strategic Flood Risk Assessment (SFRA), the Council are relying on the 2017 SFRA as its evidence base, rather than the 2010 SFRA which took into account existing defences and concluded that the site was therefore in Flood Zone 1.

13. As this document follows the recommended approach in the Planning Practice Guidance (PPG) in relation to existing defences and is the most up to date in relation to flood risk, I have had regard to the 2017 SFRA in coming to my decision.
14. The Framework and the PPG indicate that residential development should be directed to areas of lowest flood risk. Paragraph 168 of the Framework states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding and this is on the basis of a sequential, risk based approach to the location of development.
15. Paragraph 173 of the Framework sets out that when determining any planning application, development should only be approved in areas at risk of flooding where it can be demonstrated that the most vulnerable development is located in areas of lowest flood risk. In addition, the PPG requires the appellant to carry out a sequential test first, which steers new development to areas with the lowest risk of flooding from any source.
16. Given its location in Flood Zone 3a, irrespective of whether the Environment Agency or IDB consider the site to be at a low risk of flooding, it is necessary to carry out a sequential test, as set out in the LP policy, SPD and PPG. In particular the PPG confirms that the presence of existing flood risk management infrastructure should be ignored, as long term funding, maintenance and renewal of this infrastructure is uncertain. Climate change could also impact on the level of protection infrastructure will offer throughout the lifetime of the development.
17. The SPD sets out how a sequential test should be undertaken, including agreeing the geographical search for the sequential test, which is generally the entire Local Planning Authority area. There is no evidence that an authority wide search for sites has been undertaken with the appellant's FRA merely concluding that the sequential test is met as the site is located in a defended Flood Zone 3. Furthermore, the FRA does not set out any other sites that have been considered and ruled out or whether there is any spatial variation of flood risk between other sites.
18. The appellant's appeal statement also sets out a section on a sequential test, however this is evidence on the lack of allocated sites for Gypsies and Travellers and the failure of the Council to have an up to date needs assessment. These are matters which fall to be considered later in my decision and do not negate the need for a sequential test to be carried out in accordance with the LP policy and SPD.
19. Therefore, it has not been demonstrated that the sequential test has been passed as it has not been shown that sites at a lower risk of flooding are not reasonably available and the necessary steps of the sequential test have simply not been carried out or evidenced appropriately.
20. As defined within the PPG the use of a site for caravans, mobile homes and park homes intended for permanent residential use are classified as highly vulnerable. Therefore, the Framework does not require the Exception Test to be applied to sites within Flood Zone 3a.

21. However, if it were to apply it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that it will be safe for the lifetime of the development. Both elements of the test will have to be passed for development to be permitted.
22. Paragraph 13 of the Planning Policy for Traveller Sites (PPTS) sets out that traveller sites should be sustainable economically, socially and environmentally and should not locate sites in areas of high risk of flooding, given the particular vulnerability of caravans. However, with regard to wider sustainability benefits, the proposal would provide limited economic and social benefits for the wider community through the spending of future occupiers in the local economy. In terms of environmental benefits, the proposal would provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment. However noting the scale of the proposal the weight I can give to these benefits is modest.
23. On balance, I conclude that the wider sustainability benefits to the community should carry no more than modest weight, and would not outweigh the significant risk to occupants of the site resulting from its location in a flood zone with a high probability of flooding.
24. The second limb of the exception test requires that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. The evidence provided sets out the investments that have been made on flood defences within the locality and how this will ensure that the development will be safe for its lifetime. Also, that due to the drainage of the site it will not increase flood risk elsewhere.
25. The PPG sets out that proposals that are likely to increase the number of people living in an area of flood risk require careful consideration, as they could increase the scale of any evacuation required and that even low levels of flooding can pose a risk to people in situ because of, for example, the presence of unseen hazards and contaminants in floodwater, or the risk that people remaining may require medical attention.
26. It also sets out that access routes should allow occupants to safely access and exit their dwellings in flood conditions and that vehicular access to allow the emergency services to safely reach the development will all be required. Wherever possible, safe access routes should be provided that are located above design flood levels and which avoid flow paths.
27. However, the access to the site is also within Flood Zone 3 and therefore would be impassable during a flood event, whilst the access to the site has already been established and therefore previously deemed suitable for the development, this was based on four households and not for the increased occupation associated with the proposed development.
28. It has not therefore been demonstrated that the development will be safe throughout its lifetime and I therefore conclude that this element of the exception test has not been satisfied.
29. I therefore find that the development significantly harms the living conditions of future occupiers due to the risk of flooding and so undermines wider consideration of public safety contrary to the relevant requirements of policy LP5 of the LP, and the guidance within the SPD.

*Character and appearance*

30. The appeal site extends an existing gypsy and traveller site, which comprises 4 pitches and as part of the previous approvals for those pitches landscaping has been agreed and planted to enclose the site along its boundaries.
31. This landscaping has become established and now provides an effective screen, preventing views into both the existing and proposed site from Chatteris Road. It has been put to me that this screening creates a barrier to cohesion with the existing community and results in social isolation, a matter to which I will come onto consider later in my decision.
32. The Huntingdonshire Landscape and Townscape Supplementary Planning Document 2022 (HLTSPD) places the appeal site within the Fen Margin Character Area, with the key characteristics of the area being generally well vegetated with deciduous woodland, hedgerow trees and orchards with a matrix of land uses.
33. The HLTSPD sets out the Fen Margin is strongly influenced by the adjoining areas but also has a distinct character of its own comprising a mosaic of landscape types united by their flat topography, vegetation (particularly woodlands and treed hedgerows) and extensive skies. The small size of the fields along with the hedges, trees and woodlands create a sense of enclosure to the landscape although this is partially offset by the expansive views of the sky.
34. The HLTSPD states that development proposals should maintain existing hedgerow trees and woodlands and create soft edges to built developments which have a visual relationship with surrounding landscapes.
35. Any effect on the character and appearance of the countryside must be considered having regard to the existing lawful development on the adjoining site. The existing site has, given the period of time that it has been occupied as a Gypsy and Traveller pitch, assimilated into the wider landscape and is not unduly prominent within it. The landscaping that has been put in place has matured and now forms part of the rural character of the area.
36. The existing landscaping comprises a mix of native deciduous and non-native evergreen species and from within the site the native deciduous trees and hedging create a pleasant back drop to the development and soften the appearance of the site as a whole. This accords with Paragraph 26 of the PPTS which requires sites to be well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness, and to promote opportunities for healthy lifestyles such as ensuring adequate landscaping.
37. Furthermore, as set out within the HLTSPD, trees and hedgerows are characteristic of this part of the Fen Margin and when viewed along Chatteris Road, the landscaping on the boundary of the appeal site is viewed in the context of similar landscaped boundaries around neighbouring properties and is not an uncommon feature in the wider landscape.
38. Whilst the proposed development would result in the expansion of the site and an introduction of a further four pitches, it would not expand beyond the natural boundaries which have been established as part of the adjoining development and would be served by the existing access.

39. Views into the appeal scheme would be minimised, to ensure that any cumulative visual impact would be compatible with the rural character and appearance of the area. Accordingly, the introduction of the proposal into the site would not harm and would respect and conserve the character of this part of the countryside.
40. As a result, there would be no conflict with policies LP10, LP11, LP12 and LP27b of the LP which together seek to ensure development responds positively to its context and has drawn inspiration from the key characteristics of its surroundings and recognises and contributes to the area's intrinsic character, beauty and identity and does not significantly harm the wider landscape.

#### *Living Conditions*

41. Policy LP27 of the LP sets out new traveller sites outside of the built up area will be supported provided they meet a number of criteria, including at d) that the proposed boundary treatment provides good balance between minimising the developments impact on surrounding countryside and its integration into the local community.
42. The PPTS at paragraph 26 sets out that sites should not be enclosed with so much hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
43. It has been put to me that the existing boundary treatment, given its overall height and scale, creates a sense of social isolation for the occupiers of the site from the wider community. However, the site is not enclosed with hard landscaping, walls or fences which the PPTS consider gives the impression of isolation.
44. There is clearly a balance to be struck between providing a level of privacy and security for the appeal site and to ensure that the site is integrated into the local community. In this instance the site is located along Chatteris Road, which comprises a number of individual properties and commercial uses and these all have a degree of screening, predominately in the form of landscaped boundaries.
45. Social cohesion is found through the linkages established between those occupying the site and the community provided within the nearest settlements of Somersham and Chatteris. There is nothing before me to indicate that the provision of landscaped boundaries, which are typical of many others within the vicinity, leads to a sense of isolation from those communities in Somersham and Chatteris or to those living immediately adjacent to the appeal site.
46. Furthermore, the site itself also provides for social cohesion between the neighbouring pitches and those on the appeal site, with clear links and support provided by family members living across both sites. These linkages are just as important to prevent social isolation for the intended occupiers.
47. In conclusion, the existing boundary treatment provides a good balance between minimising the impact on the countryside and integration into the local community, in accordance with policy LP27b of the LP and utilises soft landscaping to enhance the environment in accordance with paragraph 26 of the PPTS.

## **Other Matters**

### *Unmet Need*

48. The Cambridgeshire, Kings Lynn & West Norfolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment (GTAA) was published in 2016 and represents the most up to date reference when assessing need. This identifies an assessed need for 9 pitches within the period 2016 – 2036. It is anticipated that an updated GTAA will be published shortly to inform the Local Plan Review.
49. The Council have acknowledged in their officer report that the 2016 GTAA is a dated source of evidence and the numbers in it should not be treated in any way as a ceiling. Therefore, in the absence of an updated GTAA proposals for new pitches should be made in the context of the existing data available and based on policy LP27. Neither party was able to provide any evidence on the extent of the shortfall, whilst noting that it is likely that there will be additional need for those who were excluded from the GTAA process based on the previous PPTS definition.
50. The parties agree that the appellants meet the 2023 PPTS definition of Gypsies and Travellers and have an unmet need for pitches, which can not be met by current authorised sites or any alternative sites either within the borough or neighbouring sites. I attach significant weight to this consideration.

### *Personal Circumstances*

51. The appeal site would be occupied by four households who are all related to the appellant:
- Elderly relatives of the appellant who are no longer able to drive and rely on family for support for day to day needs and whom both have suffered from ill-health in recent years.
  - Two brothers would occupy two of the pitches and are related to the appellant through marriage. They both have chronic health conditions which require specialist treatment within a hospital setting.
  - The fourth household would comprise the appellant's brother who travels abroad for work but is seeking a settled base for times when he is not working.
52. With the exception of the appellant's brother, the three other households wish to have a settled base in order that they can provide support to each other and in particular for the elderly residents receive support from their relatives residing on the existing pitches at Legacy Park. Previously they lived nomadic lives travelling for work before ill health meant they ceased to travel and now wish to have a settled base to ensure they can access hospital services at regular intervals to receive treatment. Therefore, the need for a settled base for three of the households in order to access these services is important.

53. If the appeal is dismissed, then the two brothers may no longer be able to live together as it is difficult to find sites with sufficient space for them to reside together. This would result in a break up of the family support network, and severely disrupt their healthcare. The elderly relatives of the appellant would also be forced to live separately from their support network and may find it difficult to live independently as they no longer drive.
54. Article 1 of the First Protocol sets out that a person is entitled to the peaceful enjoyment of his possessions and that no one shall be deprived of his possessions except in the public interest. Article 8 of the Human Rights Act states that everyone has the right to respect for his private and family life and his home. Dismissing the appeal would represent an interference with the home and family life of the proposed occupiers, such that both Articles would be engaged. There is also a positive obligation imposed by Article 8 to facilitate the gypsy way of life.
55. The future occupants of the proposed pitches are an ethnic minority, and thus have the protected characteristic of race under s149(7) of the Equality Act 2010. The proposal would meet the needs of those persons with a relevant protected characteristic, by reason of race, and so, as required by section 149(1) of the Equality Act 2010, the public sector equality duty is applicable.
56. There is therefore a need to have due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations. I attach moderate weight to the personal circumstances as a factor in favour of the scheme.

#### *Intentional unauthorised development*

57. The establishment of four pitches at the appeal site, without planning permission amounts to intentional unauthorised development, as such the 2015 ministerial statement is relevant<sup>1</sup>. By way of mitigation, the appellant's relatives have had limited options in respect of accommodation and the appellant has sought to regularise the situation through a planning application.
58. Nonetheless, the works undertaken have gone beyond what is necessary to establish a temporary home pending the outcome of the application. Overall, the undertaking of intentional unauthorised development adds modest additional weight as a material consideration against the proposal.

#### *Other appeal decisions*

59. The appellant has provided a number of appeal decisions, where Inspectors have considered matters of flooding. However, one of the decisions<sup>2</sup> predates the Framework and therefore the considerations upon which the Inspector based their decision would be different. In the appeal at Wisbech St Mary<sup>3</sup>, the Inspector concluded that the sequential test had been passed and as such it is not the same as the case before me. The third appeal decision at Ramsey Heights<sup>4</sup> sets out that the Environment Agency had no objection to the proposal and the Inspector notes that a sequential test was also carried out which identified no alternative sites.

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<sup>1</sup> Green Belt Protection and Intentional Unauthorised Development 2015

<sup>2</sup> APP/Z2505/V/09/2119176

<sup>3</sup> APP/D0515/C/18/3196061

<sup>4</sup> APP/H0520/W/18/3196305

60. Therefore, I am content that my approach has not been inconsistent with those appeal decisions and that in all of the cases there were site specific circumstances which contributed to the Inspectors findings.

*Unilateral Undertaking*

61. The appellants have submitted a Unilateral Undertaking for the contribution of £680 for the provision of wheeled bins facilities for the development. Given the evidence before me I am satisfied that the contribution has been secured and would be used for its intended purpose.
62. The contribution would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations.

**Planning Balance**

63. Notwithstanding that the scheme would be contrary to the development plan, the question remains whether there are material considerations which would warrant a decision in this instance other than in accordance with the development plan.
64. There are several points in favour of the proposal. The Council are unable to meet the accommodation needs of the intended occupiers, who meet the planning definition of Gypsies and Travellers in the PPTS. The appeal scheme would support the traditional way of life of families that have a protected characteristic.
65. The appeal scheme would facilitate the establishment of a settled base for the intended occupiers whilst enabling some to continue to pursue a nomadic lifestyle for economic purposes. This would allow cultural traditions to be balanced with the practicalities of modern living thereby, advancing equality of opportunity. Their unmet need for pitches also indicates inequality in housing opportunities and the proposal would help to offset this in a modest way.
66. These are important points in achieving the social sustainability sought by Paragraph 13 of the PPTS. It does not automatically follow that the appeal should be permitted because the PSED is relevant. Nonetheless, the equality implications weigh notably in favour of permitting pitches at the appeal site because dismissing the appeal would perpetuate the disadvantages currently endured.
67. The accommodation needs and personal circumstances of the intended occupiers are together, significant points in favour of the proposals. I have attached significant weight to the accommodation needs and moderate weight to the personal circumstances of the intended occupiers.
68. Nevertheless, I attach considerable weight to the risk to the intended occupiers from flooding as described, and modest weight to the intentional unauthorised development. In the overall planning balance, the benefits of the proposal, including that the development would provide a settled base for four households, are not sufficient in this case to outweigh the harm arising from the risks from flooding.

*Temporary Planning Permission*

69. Possibilities for a temporary planning permission require a second balancing exercise taking into account the limited duration of any permission and any reasonable expectation of a change in planning circumstances by the end of that period.
70. I have considered the difficulties of finding alternative, authorised accommodation and that there would also be considerable benefits for the intended occupiers to have continued access to specialist medical treatment locally.
71. Whilst the risks arising from flooding would remain, in this case the Environment Agency have confirmed that the risk is low. In granting a temporary permission any risk would be incurred for a strictly limited period of time and allow for further consideration of a sequential test to determine if the site is suitable for permanent occupation.
72. Furthermore, the Council is in the process of updating its GTAA in order to inform a new Local Plan, which will identify future sites and the council have advised that this could be adopted in 2027. They have set out that preferred options for sites are likely to be identified by 2025 and that there is a reasonable prospect of identifying sites at a lower risk of flooding. Therefore, there is a possibility of legitimate alternative sites becoming available through that process, from around the time of its adoption.
73. A temporary permission would allow time for the appellant's and the Council to work together to find a long term solution, and on this basis I consider that a five year temporary permission would be reasonable in this instance and based on the facts of the case before me. It would also ensure a continuation of health care provision from specialists at a nearby hospital, which is required by two of the households, which is a matter to which I have attributed significant weight.
74. I have been asked to give a temporary permission for a period of five years, in order to give a degree of stability to the intended occupiers, I think given the timescales outlined for the preparation of the new Local Plan, a period of five years is appropriate.
75. Therefore, the material considerations would clearly outweigh the temporary harm arising from a limited period of occupation such to justify the grant of a temporary permission personal to the intended occupiers.
76. A temporary permission would be a proportionate response that balances the qualified Article 8 Human Rights of the intended occupiers for respect of private and family life and home with the proper planning of the area and its economic well-being, including the protection of the environment.

### **Conditions**

77. The parties suggested conditions which I have considered against the advice in the National Planning Policy Framework and Planning Practice Guidance. The proposals are acceptable for a temporary period, partly due to the personal circumstances of the intended occupiers and therefore it is necessary to impose a condition detailing this. As the proposed occupants are Gypsy and Travellers and the permission would be both personal and temporary it is not necessary to restrict occupation to Gypsies and Travellers, defined so as to not exclude those who have ceased travelling permanently.
78. As only four pitches are justified it is necessary in the interests of certainty to secure this and the total number of caravans permitted on the site. I have also restricted the commercial use of the site.
79. A number of details are required to be submitted as part of the site development scheme in order to minimise the developments impact on the character and appearance of the area and ensure appropriate living conditions for future occupiers. These include details of the siting of the caravans, day rooms and gym store; landscaping, foul and surface water drainage, means of enclosure, external lighting, bin storage and ecological enhancements are also required.
80. I have not found it necessary to restrict permitted development rights for outbuildings or means of enclosure as these details are to be agreed as part of the site development scheme and there are no exceptional circumstances which warrant a further restriction on permitted development. I have also not found it necessary to impose a condition restricting external lighting beyond that agreed by the site development scheme.

### **Conclusion**

81. I therefore conclude that the harm arising from the low risk of flooding is outweighed, when considered with a temporary permission, by other material considerations including the personal circumstances of the majority of the proposed occupiers of the site. As such the appeal should be determined otherwise than in accordance with the development plan.
82. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed for a temporary period of five years.

*G Pannell*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr Michael Hargreaves BA BTP, MRTPI  
Mr Geoff Beal BA, MCIWEM, C.WEM  
Mrs Rebecca White BA (Hons) RIBA Part 1,

Mr Frederick Adams  
Mr Jonny Russell  
Mr Nathan Russell

### **FOR THE LOCAL PLANNING AUTHORITY:**

Lewis Tomlinson Interim Development Management Team Leader (South)  
Lucy Pateman Senior Planner

## **DOCUMENTS**

Statement of Common Ground (Final Version)

### **Schedule of Conditions**

- 1) The use hereby permitted shall be carried on only by the following:  
Household 1: Mr D & Mrs F Fossey  
Household 2: Mr Nathan Russell  
Household 3: Mr Jonny Russell  
Household 4: Mr David Smith  
and shall be for a limited period being the period of 5 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
- 2) When the premises cease to be occupied those named in condition 1 above, or at the end of 5 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.
- 3) There shall be no more than 4 pitches on the site and on each of the pitches hereby approved no more than 2 caravans, shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 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 56 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
  - i) Within 3 months of the date of this decision a scheme for
    - the means of foul and surface water drainage of the site;
    - proposed and existing external lighting on the boundary of and within the site;
    - the internal layout of the site, including the siting of caravans, dayrooms and the gym store building, hardstanding, access roads, parking, bin storage and amenity areas;
    - details of proposed and existing tree, hedge and shrub planting (including details of species, plant sizes and proposed numbers and densities)
    - details of works to trees on the boundary of the site, which may include removal of non-native species;
    - ecological enhancements, including specification and location; and
    - the restoration of the site to its condition before the development took place, (or as otherwise agreed in writing by the local planning authority) at the end of the period for which planning permission is granted for the use, or the site is occupied by those permitted to do so.

(hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

- ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved site development scheme specified in this condition, that scheme shall thereafter be maintained, retained, or remain in use, as appropriate.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 5) No commercial activities shall take place on the land, including the storage of materials.
- 6) Within 6 months of the date of this decision, the access shall be widened to a minimum width of 6m, for a minimum distance of 15m measured from the near edge of the highway carriageway and laid out with 7.5 radius kerbs. The access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification, including adequate drainage measures to prevent surface water run-off onto the adjacent public highway and thereafter retained.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: 4805/01/05 (extent of the site only); 1958/2; 1958/3; 1958/4 and 1958/5.

-END-