

Ms. E. Parkes
Head of Development and Building
Control
Horsham District Council
Albery House
Springfield Road
Horsham
RH12 2GB

March 2026

Our Ref: J005516

Dear Ms. Parkes,

**FULL PLANNING APPLICATION FOR THE MATERIAL CHANGE OF USE OF
LAND TO GYPSY/TRAVELLER SITE COMPRISING 2 PITCHES WITH THE SITING
OF A MOBILE HOME AND DAYROOM PER PITCH AT THE BRAMBLES, CRAYS
LANE, THAKEHAM, PULBOROUGH, WEST SUSSEX, RH20 3DZ**

I refer to the above. WS Planning & Architecture have been instructed by *Messrs Harris & Ripley* ("the applicant") to submit a full planning application regarding the *Material change of use of land to Gypsy/Traveller site comprising 2 pitches with the siting of a Mobile Home and Dayroom per pitch* ("the development") at *The Brambles, Crays Lane, Thakeham, Pulborough, West Sussex, RH20 3DZ* ("the site"). In support of the application we attach,

- Completed Application Forms & CIL Forms
- J005516-DD-01 Site Location Plan
- J005516-DD-02 EX Block Plan
- J005516-DD-03 EX Site Plan
- J005516-DD-12 A PP Block Plan
- J005516-DD-13 A PP Site Plan
- J005516-DD-14 A PP Dayroom Plans and Elevations
- BNG Documents

This covering letter should be read in conjunction with the submitted documents.

Preliminary Matters

The application seeks planning permission for the material change of use of land to enable the creation of a 2-pitch caravan site for occupation by Gypsy/Traveller families.

The proposal seeks consent for a total of 2 Static Caravans, known as Mobile Homes. These conform to the definitions within Section 29 (1) of the Caravan Sites and Control of Development Act 1960 and Section 13 (1) of the Caravan Sites Act 1968. The

WS Planning & Architecture
enquiries@wsa.co.uk | wsa.co.uk

Reg Office: 5 Pool House, Bancroft Road, Reigate
Surrey, RH2 7RP
Company No. GB3763487 | WS Planning & Architecture
is a trading name of Woods, Sanders & Co Ltd
Chairman & Founder: Mr B Woods | BA (TP) MRTPI
Managing Director: Mr S Copping | BA (Hons) DIP TP MRTPI
Planning Director: Mrs E Munro | BA (Hons) MSc MRTPI
Architectural Director: Mr J Jaramillo | BA (Hons) MArch RIBA

Surrey Office
5 Pool House
Bancroft Road
Reigate
Surrey
RH2 7RP
01737 225 711

London Office
TBXH@
Sunley House
4 Bedford Park
Croydon
CR0 2AP
020 3828 1180

Kent Office
Brouard Architects
1 Bromley Lane
Chislehurst
Kent
BR7 6LH
01689 857 253



RIBA 
Chartered Practice

proposal also seeks consent for 2 Dayrooms, one per pitch, which are a form of amenity building used ancillary to the residential use of land. The dayroom is not a separate unit of accommodation and does not provide overnight accommodation. Dayrooms typically provide hot and cold-water supply, electricity supply, a separate toilet and hand wash basin, a bath/ shower room, a kitchen and dining area. Dayrooms can also serve to provide a combined kitchen/dining/lounge area, storage space (such as for children's toys or play equipment), home school study space, or medical rehabilitation areas.

The applicant submits a BNG metric and recommendations. These are proposed to be adopted and can be secured by way of planning condition.

Application Site & Planning History

The application site is located at the junction of two private tracks known as Bramble Lane and Kings Close which are accessed from the nearest public highway of Cray's Lane. The land itself is untidy, featuring generally derelict land with existing post and rail gates, internal timber and metal fencing, areas of crushed hardcore and other hardstanding, old timber sheds, and storage containers. The nearby surroundings feature a number of plots which appear to be generally in agricultural uses, as well as an established Gypsy/Traveller site. In nearby proximity is the village of Thakeham which has a cluster of residential development, a church, a public house, and larger agricultural / commercial plots on its outskirts. Thakeham is located approximately 1 mile from the much larger settlement of West Chiltington. An aerial image of the application site is shown below at **Figure 1**.



Figure 1 Aerial Image of Application Site edged approximately in red

The application site is located within the Countryside beyond the Green Belt. It is not located within a National Landscape. The nearby village of Thakeham is a Conservation Area and features a number of Listed Buildings. According to the Environment Agency's Flood Maps, the application site lies within Flood Zone 1 and within an area at very low risk of surface water flooding. No other area or asset of

particular importance (as referenced within footnote 7 of the NPPF) is deemed to affect the land.

The application site benefits from a 2012 planning permission DC/11/2418 regarding the *“Retrospective permission for erection of stock fencing and two wooden gates”*.

The adjoining plot to the north is understood to feature an unauthorised mobile home for which there is a planning appeal awaiting decision regarding. The application reference is DC/23/0905 and the description is *“Temporary siting of a mobile home for the use as a rural workers dwelling (Retrospective)”*.

To the south east of the application site is a plot described online as Plot 3, Bramblefield. An appeal was allowed on the land, with reference APP/Z3825/W/19/3225910 (LPA ref DC/18/1543) regarding the *change of use of land to a private gypsy and traveller caravan site*. A copy of the appeal decision and approved site layout (through subsequent discharge of conditions DC/18/1543) is attached at **Appendix 1**.

Relevant Planning Policy

National Planning Policy Framework (2024)

The revised National Planning Policy Framework (NPPF) was published in December 2024 and sets out the Government’s most up-to date vision for future growth.

Paragraph 10 states **“so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development”**.

Paragraph 11 sets out the presumption in favour of sustainable development. In terms of decision-taking this means **“approving development proposals that accord with an up-to-date development plan without delay”** and **“where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date”**, permission should be granted unless the Framework provides a strong reason for refusing the development proposed or the harms would significant and demonstrably outweigh the benefits with particular regard to the Framework’s considerations on sustainability, effective use of land, well-designed places and affordable homes.

Paragraph 78 makes it clear that LPA’s need to identify and update annually a supply of specific sites to provide a minimum of 5 years supply.

Paragraph 89 of the NPPF acknowledges that some residential development (*sites to meet local business and community needs in rural areas*) will be located beyond the settlement boundary and not well served by public transport.

Paragraph 110 acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Planning Policy for Traveller Sites (December 2024)

The NPPF should be read in conjunction with the Planning Policy for Traveller Sites 2024 (PPTS) and forms a material consideration for development of the type proposed.

From the outset it is important to record the definition of Traveller, as set out at annex 1 of that document. That definition is:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Emphasis is added to the expansion of the definition beyond its 2023 revision. The PPTS now applies to **all** Gypsy and Traveller households irrespective of whether or not they do travel, ceased to travel, or simply are ethnically Gypsies and Travellers with a preference for residing within a Caravan.

Paragraph 4 sets out the Government's aims in respect of Traveller sites in that,

- a) **that local planning authorities should make their own assessment of need for the purposes of planning;**
- b) **to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites;**
- c) **to encourage local planning authorities to plan for sites over a reasonable timescale;**
- d) **that plan-making and decision-taking should protect Green Belt from inappropriate development;**
- e) **to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites;**
- f) **that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective;**
- g) **for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies;**
- h) **to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply;**
- i) **to reduce tensions between settled and traveller communities in plan-making and planning decisions;**
- j) **to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment**

infrastructure; and k) for local planning authorities to have due regard to the protection of local amenity and local environment.

Paragraph 9 states that LPAs should set pitch targets which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities.

Paragraph 10 states that LPAs should identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites.

Paragraph 13 of the PPTS states that LPA's should ensure that their policies,

“Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community;**
- b) promote, in collaboration with commissioners of health services, access to appropriate health services;**
- c) ensure that children can attend school on a regular basis;**
- d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment;**
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development;**
- f) avoid placing undue pressure on local infrastructure and services;**
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans; and**
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.”**

Paragraph 14 states that **“When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.”** This section of the document does not rule out the principle of providing Traveller sites in rural or semi-rural locations such as the application site. Furthermore, the use of land within this area for Travellers sites has previously been found acceptable.

Paragraph 25 of the PPTS sets out the material considerations that should be taken into account when determining applications for Gypsies and Travellers. These relevant considerations are set out below,

- a) the existing level of local provision and need for sites**
- b) the availability (or lack) of alternative accommodation for the applicants**

- c) **other personal circumstances of the applicant**
- d) **that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites**
- e) **that they should determine applications for sites from any travellers and not just those with local connections**

Paragraph 27 sets out that when considering applications, local planning authorities should attach weight to the following matters:

- a) **effective use of previously developed (brownfield), untidy or derelict land**
- b) **sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness**
- c) **promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children**
- d) **not enclosing a site 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**

Paragraph 28 sets out that if a local planning authority **cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.**

Horsham District Planning Framework (November 2015)

Numerous policies within the Planning Framework are relevant to the proposal at hand, such as those pertaining to the general sustainability and design and character considerations. However, the key policy at hand is Policy 23 which provides a criteria based policy for Gypsy and Traveller Accommodation on non-allocated sites. The criteria are as follows:

- a. **There must be no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable;**
- b. **The site is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users;**
- c. **The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas;**
- d. **The site is located in or near to existing settlements, or is part of an allocated strategic location, within reasonable distance of a**

range of local services and community facilities, in particular schools and essential health services;

- e. The development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.**

Policy 22 is also notable with its guidance on how the LPA will provide new sites and protect existing sites. Policy 21 highlights the need for new pitches within the period 2011 – 2017, and the currently allocated sites for development.

It is also the case that the Horsham District Local Plan 2023 – 2040 is within its Regulation 19 draft stage, and that site no. 13 on the list of those proposed for allocation as Gypsy/Traveller sites is the application site at hand.

Need & Supply

Horsham's Local Plan is adopted and there are policies relating to site provision for Gypsies and Travellers. Local planning authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans.

The Horsham District Council Gypsy & Traveller and Travelling Showpeople Accommodation Assessment (November 2023) provides the evidence of the need for Gypsy & Traveller pitches in the borough for the Local Plan period (2023-2040). Whilst this is the LPA's most up to date assessment and completely decently, this assessment pre-dates the PPTS 2023 and the amended Gypsy/Traveller definition.

The GTAA Assessment found that there is a need for a total 77 additional permanent Gypsy/Traveller pitches in the borough 2023-40, broken down in phases as follows:

2023-2027 - 48 pitches

2028-2032 - 10 pitches

2033-2037 - 12 pitches

2038-2040 - 7 pitches

Total: 2023–2040 = 77 pitches

The 2023 update to the PPTS reverted the Planning Policy Definition of Gypsies and Travellers to the 2012 definition following the Lisa Smith judgement that ruled the previous definition as unlawfully discriminatory. It is therefore the case that the conclusions of the GTAA are now out of date. Notwithstanding the significant need for Gypsy/Traveller households detailed within the GTAA, it does not account for those who now meet the updated PPTS definition. To provide an indication of the need in light of the change in definition, it should be considered that those households concluded as "Undetermined" or "Do not meet Planning Definition" to be accounted for within the overall need, and as such, that there is a need for 128 pitches.

In order to meet the substantial need until 2040, the Draft Local Plan will provide relevant allocations and policies for sites. The Local Plan Timetable sets out that adoption is expected to be in May 2025. It is noted that the Local Plan is therefore likely to be adopted nearly halfway through this 5-year period, and due to the need being so pressing, cannot be relied upon as a safe-haven in the short term.

In summary, it is considered that the LPA do not have an up-to-date demonstrable deliverable 5-year supply of pitches, and that there is a significant unmet need (128 pitches) within the Borough that results in a pressing requirement for pitches to be granted.

Application Assessment

The application proposes the Material change of use of land to Gypsy/Traveller site comprising 2 pitches with the siting of a Mobile Home and Dayroom per pitch.

A full assessment of the proposal is set out below.

Policy Context

Policy 23 of Horsham District's Planning Framework sets out the criteria against which new proposals for Gypsy and Traveller accommodation will be assessed against, thus being the key policy to consider. The criteria are summarised below:

- a. No significant barriers to development exist in terms of flooding, drainage, ground stability, hazardous land, or other technical concerns.
- b. The site is served by a safe access.
- c. The site can be supplied and serviced with appropriate utility connections, and includes provision of appropriate drainage and waste disposal, as well as adequate parking, turning, and amenity space.
- d. The site is within a sustainable location, either in or near to existing settlements, or in an allocated strategic location, within reasonable distance to services and facilities.
- e. The development would not have an unacceptable impact on character and appearance and neighbouring amenity.

With regard to criteria a, the site is located within Flood Zone 1, and not within an area at risk of surface water flooding. It is understood that no other concerns are relevant to the land in terms of contamination, geology, or similar.

With regard to criteria b, the access proposed is considered to be in a safe location that suitably accommodates the use of the application site.

With regard to criteria c, the site is adequately large to allow for internal parking, turning, and amenity. Foul drainage and general waste disposal would be available through a scheme to be agreed by way of condition. It is considered that acceptable arrangements can be made.

With regard to criteria d, the application site is within a semi-rural location, within relatively close proximity to the nearby settlement of Thakeham, and West Chiltington not far beyond. West Chiltington provides ample services through schools, medical facilities and more. It is noted that public transport is of course preferred to a reliance on private vehicle transport. There are some local bus stops within Thakeham, and connecting public footpaths that can assist in this regard. However, it is not claimed that these can be entirely relied upon and it is acknowledged that the site is located

within part of the countryside where residents could be likely to be reliant on the use of a motor car.

Furthermore, Paragraph 110 of the NPPF states that opportunities to maximise sustainable transport will vary between urban and rural areas. It is submitted that there is an inevitability for Traveller sites to end up in relatively rural locations, as urban areas are reserved for housing and unfeasible for this form of development. At the same time, the PPTS does not prevent Gypsy/Traveller sites in rural or semi-rural areas. It is also important to consider this in relation to Gypsy/Traveller development and alternatives, and as such their inherent lifestyle differences. Of course, public transport and pedestrian access to such is preferred to a reliance on private vehicle transport, however, the Gypsy/Traveller community are often reliant on cars considering their lines of work and lifestyle, and the fact that the vast majority of Traveller sites lying within the more rural areas. In addition, having regard to paragraph 13 of the PPTS, the formation of settled bases for Travellers helps prevent the need for long-distance travelling, and promotes access to health and education services which would otherwise not be available.

The settled base which is proposed is considered to be in a generally suitable location in the grand scheme, which in itself promotes a sustainable way of life for Travellers. The alternative options in most instances, such as this one, is either living roadside, or doubling up on overcrowded sites without planning permission. Neither of these options can be considered sustainable. In those instances, access to schools and healthcare is often limited, or not prioritised. Establishing a home for in-need families allows these matters to be prioritised, and is demonstrated within this submission.

On this basis, it is submitted that the principle of the development proposal would be considered acceptable. This conclusion aligns with the nearby appeal decision 3225910 which has been attached at **Appendix 1**, which proposed a similar form of development.

With regard to criteria e, the assessment undertaken must be on the basis as to whether there would be an unacceptable impact on the matters raised. With regard to character and appearance and landscape, it is noted that the application site is not within a National or Locally designated landscape, however, it is appreciated that the site lies within the Countryside, of which there is intrinsic beauty. The location of the application site is not prominent within the landscape, and is situated within surroundings where long range views are very limited. The site itself is extremely well screened already, which is all proposed to be retained and can be supplemented by way of landscaping scheme. Furthermore, the actual quality of the land is low, given its derelict and untidy state. There are numerous structures and features that exist on the plot which detract from its existing character. The development proposed is all of a single storey, and does not protrude into the countryside like traditional 2+ storey brick and mortar dwellings do. It is submitted that the proposal would certainly not result in an “unacceptable impact” upon the character and appearance of the area, and the landscape value, and therefore complies with this criteria. This conclusion aligns with the nearby appeal decision 3225910, attached at **Appendix 1**, which proposed a similar form of development.

It is noted that there are other local policies that can be deemed relevant to the proposal, however, the applicability of these in relation to Gypsy/Traveller development is modest, and the above provides the key assessment. In combination, it is considered

that the application proposes a development that is generally compliant with the policies and aims of the Local Plan.

Material Considerations of Favourable Weight

Whilst it is considered that the application proposal complies with the development plan, should any conflict be identified, it is considered that the following matters must be taken into account. These material considerations submitted to weigh in favour of the development are in line with Policy H of the PPTS, and specifically paragraphs 25 and 27.

- The general suitability of the application site and compliance with paragraph 27 of the PPTS,
- The unmet need and lack of a 5-year supply within the Borough,
- The likely location of alternative sites within the Borough,
- The availability of alternative sites within the Borough,
- The Personal Circumstances of the applicant families (in such circumstances, a personal consent would need to be considered).

General compliance of the development and paragraph 27 of the PPTS

It is submitted that the proposal would not offend any policies contained within the Development Plan, is not located within the National Landscape or any other constrained land, and is of high-quality design that does not unduly harm the character and appearance of the area, neighbouring amenity, or any other aspect. Whilst the absence of harm is not a benefit, it remains a strong indication that the development would be well placed and appropriately designed.

Furthermore, paragraph 27 of the PPTS states that weight should be attached to:

- a) effective use of previously developed (brownfield), untidy or derelict land;*
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;*
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and*
- d) not enclosing a site 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.*

In this regard, it has been set out that the site untidy / derelict land and its effective re-use should therefore warrant favourable weight in relation to criteria a). The scheme is also considered to be well-designed, featuring significant soft landscaping and minimal hard landscaping. Therefore, weight should be afforded to criteria b) and d).

Furthermore, the site would form a settled base with mobile homes and dayrooms on a modest level of hardstanding, with significant grassed surroundings, that would, in combination, provide learning and play space as to promote equal opportunity and a healthy lifestyle for all and especially children living on the site. This therefore warrants favourable weight in relation to criteria d).

Need and Supply considerations

The matters of Need and Supply have been discussed in the relevant section above, it is submitted these individually are key material considerations in favour of the grant of permission.

The likely location of alternative sites

A significant area of the District lies outside of any defined settlement boundary. Some of this land is affected by flooding, some by habitat or heritage designations, and some areas are detached from settlements such that these areas can be deemed as unsustainable in some cases. A substantial portion of land (18%) is designated as within a National Landscape. There is an inevitability that development for Gypsies and Travellers will fall outside of settlement boundaries, and therefore a relatively a high chance that it falls within an additional designation. The application site is considered wholly suitable, and if this is to be avoided, then the question is raised of where the massive need for Gypsy/Traveller development is likely to fall. In all likelihood, sites like the one at hand will have to be considered, and in comparison to the likely location of alternatives, this is considered a sequentially preferable option as to afford positive weight in the balance.

Availability of alternative sites

With regard to alternative sites which could be suggested, it is the case that in *Doncaster MBC v. FSS & Angela Smith [2007]* the Court set out that alternative accommodation has to be suitable, affordable, available and acceptable for it to be considered a realistic alternative. *SCDC v. SSCLG and Julie Brown [2008] EWCA Civ 1010* sets out as well that there is **no requirement in planning policy, or indeed within any case law, for an applicant to demonstrate that there are no other sites available, or that particular needs could be met from another site.**

There is a generally recognised need for Traveller sites nationally and in the South East region, although the level of need varies considerably between areas. This has a significant impact on the wider availability of sites, of which there are none.

I consider significant weight should be afforded to the lack of any suitable alternative sites which would meet the needs of the applicant.

Personal Circumstances

An applicant, irrespective of their ethnic background, may seek permission for a permanent Traveller pitch (in accordance with the planning definition of a Traveller as set out in PPTS), to be conditioned for this use, and that an applicant can provide information about personal circumstances to add into planning balance, if required. A

permission should only be conditioned for personal occupancy if that condition is required to make the proposal suitable in planning terms. If it is considered that the proposal is suitable for a Gypsy/Traveller pitch, regardless of personal circumstances, a personal condition is not required.

Personal circumstances can be set out separately, directly to the Case Officer. However, summarising the matters that any personal circumstances will cover, the following matters should be taken into account in the planning balance,

- a) **the personal need for accommodation of the applicant**
- b) **the availability (or lack) of alternative accommodation for the applicant**
- c) **the medical and/or welfare considerations of the applicant**
- d) **the best interests of the child (if relevant)**

Case law is clear that there is a duty on both the LPA and Secretary of State to treat the best interests of the child (including unborn children) as a primary consideration, and that no other consideration is inherently more important. This was established in the case of *AZ v SSCLG & South Gloucestershire District Council [2012] EWHC 3660 (Admin)* and *Collins v SSCLG [2013] EWCA Civ 1193*. **As such, the best interests of the children occupying the site are a paramount consideration which must be taken into account by the Decision Maker.**

The best interests of the children who without this site have no settled base, must carry at least as much weight as any other material and that the weighing exercise must be an exercise of substance rather than form. Clearly here, the best interests of the children could not be served by them remaining without a settled base or being put at risk on illegal camping on the road. Having no settled base and either living on the road is not a long-term option for any of the family. The advantages of a settled base have been set out at paragraph 13 of the PPTS.

The applicant families share the protected characteristic of race for the purposes of the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010. Refusing to grant a permanent permission would impact negatively on their way of life and would reduce the opportunities available to their family. It would also deny or reduce the opportunities available to the families to foster good relations with the settled community, including those of the children. This therefore must be accounted for within the balance.

Planning Balance & Conclusion

At the heart of the Framework is a presumption in favour of sustainable development (paragraph 11 of the NPPF). In this instance, for decision-taking, as the Council cannot demonstrate an up-to-date 5 year supply, the development plan policies are deemed out-of-date and the provisions of paragraph 11(d) are engaged. The balance is therefore 'tilted' in favour of the development.

Planning permission should therefore be granted unless 11(d)(i) or (ii) rule it out.

With regard to 11(d)(i), no strong reason for refusing development is deemed to exist through areas or assets of particular importance (as listed in footnote 7).

This leaves the remaining test to be that set out within 11(d)(ii), and the balance becomes as to only refuse permission if the adverse impacts of granting planning permission for the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, with particular regard to sustainability, effective use of land, well-designed places, and providing affordable homes.

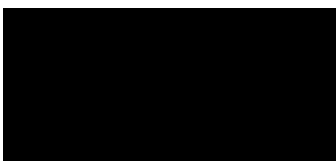
The applicant submits that the material considerations in favour of the proposal would certainly not be significantly and demonstrably outweighed by any deemed harm. In this instance planning permission ought to be granted. The material considerations are reiterated below:

- (i) General suitability of the development and compliance with paragraph 27 of the PPTS,
- (ii) The evident unmet need and lack of supply within the Borough
- (iii) The Likely Location of New Sites within the Borough, and the inevitability for new sites within the District to be located within other constrained areas of land,
- (iv) The lack of any available, suitable, acceptable, and affordable alternative sites,
- (v) The personal circumstances of the families including but not limited to,
 - a. The applicant families personal need for a site,
 - b. The best interests of the children,
 - c. Human Rights considerations,
 - d. The consequences of the refusal of planning permission on the families.

The PPTS notably no longer states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. Case law has established that Very Special Circumstances do not need to be “special” in the ordinary sense, and the matters set out are deserving of weight in the overall balance. The judgement to be made is whether individually, or cumulatively, these amount to the very special circumstances necessary to grant planning permission despite the Green Belt harm.

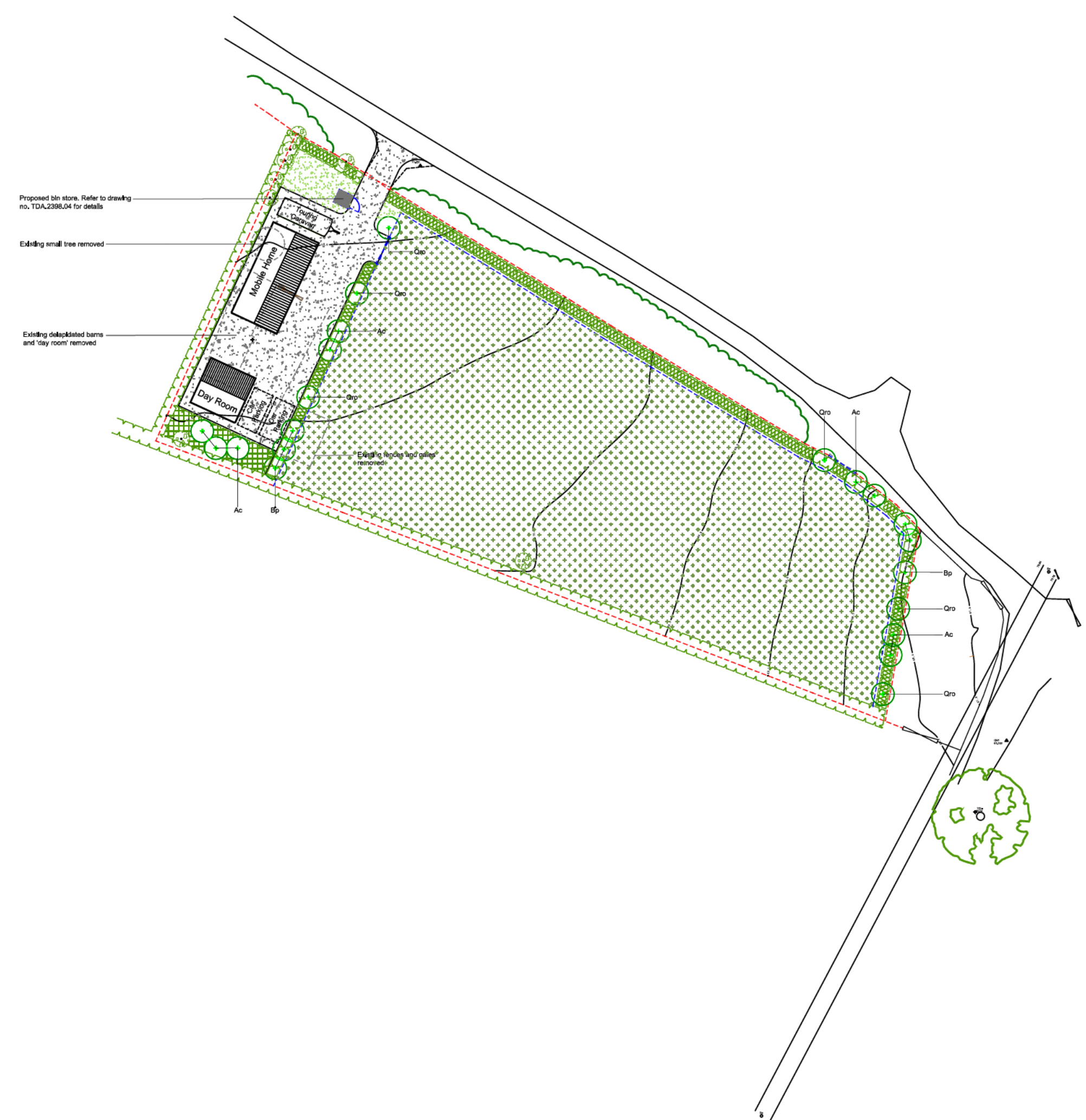
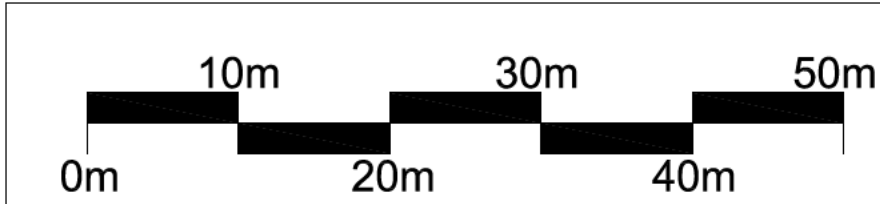
It is therefore submitted that planning permission ought to be granted for the development. It is invited that the Council support the application for planning permission and we would be open to discussion to facilitate a pro-active application process.

Yours sincerely,



Brian Woods
Chairman & Founder

APPENDIX 1



KEY:

HARD LANDSCAPE KEY:

- PROPOSED DRIVEWAY, PARKING & COURTYARD AREAS**
(Areas to be surfaced with quarry dust laid on a weed suppressing membrane over a compacted sub grade. Surface water to drain into adjacent grass/shrub areas.)
- EXISTING FENCING & GATES RETAINED**
- EXISTING FENCING/GATES & STRUCTURES TO BE REMOVED**
- PROPOSED POST & RAIL TIMBER FENCES WITH MATCHING GATES**

SOFT LANDSCAPE KEY:

- EXISTING INDIVIDUAL TREES TO BE RETAINED**
- EXISTING REGENERATING UNDERSTOREY TO BE RETAINED**
- EXISTING HEDGEROWS TO BE RETAINED**
- PROPOSED TREE PLANTING**
(Refer to plant schedule for species/densities)
- PROPOSED NATIVE HEDGEROWS**
(Refer to plant schedule for species/densities)
- PROPOSED NATIVE UNDERSTOREY PLANTING**
(Refer to plant schedule for species/densities)
- PROPOSED LAWN AREAS**
(Existing grass areas to be kept short by regular mowing)
- EXISTING Paddock RETAINED**

PLANT SCHEDULE

TREE PLANTING

ABBRV	SPECIES	DENSITY	HEIGHT/GIRTH (cm)	ROOT COND.	POT SIZE	TOTAL
Ac	Acer campestre (Fthd)	As Plan	200-250 (h)	ROOTBALLED	–	–
Bp	Betula pendula (Fthd)	As Plan	200-250 (h)	ROOTBALLED	–	–
Qr	Quercus robur	As Plan	12-14 (g)	ROOTBALLED	–	–

NATIVE HEDGEROWS

ABBRV	SPECIES	DENSITY	HEIGHT (cm)	ROOT COND.	POT SIZE	TOTAL
As Key	Acer campestre (20%)	5 lin/m	60-80 (h)	BARE ROOT	–	–
	Corylus avellana (10%)		60-80 (h)	BARE ROOT	–	–
	Crataegus monogyna (25%)		60-80 (h)	BARE ROOT	–	–
	Ilex aquifolium (20%)		–	–	CON-P9	–
	Prunus spinosa (20%)		60-80 (h)	BARE ROOT	–	–

NATIVE UNDERSTOREY PLANTING

ABBRV	SPECIES	DENSITY	HEIGHT (cm)	ROOT COND.	POT SIZE	TOTAL
As Key	Acer campestre (30%)	1 sq/m	60-80 (h)	BARE ROOT	–	–
	Corylus avellana (10%)		60-80 (h)	BARE ROOT	–	–
	Cornus sanguinea (20%)		60-80 (h)	BARE ROOT	–	–
	Ilex aquifolium (20%)		–	–	CON-P9	–
	Sambucus nigra (20%)		60-80 (h)	BARE ROOT	–	–

LANDSCAPE IMPLEMENTATION PROGRAMME

All hard landscape proposals to be completed within 12 months of the formal written approval of this drawing.

All soft landscape proposals to be completed within the first available planting/seeding season following completion of the hard landscape works.

C	Bin store and landscape implementation programme added.	RhC	03.05.20
B	Landscape proposals to south eastern end of site amended/reduced to correspond with client land ownership as defined by Land Registry.	RhC	23.03.19
A	Drawing scale amended to 1:500 and scale bar added to plan as requested by LPA.	RhC	DATE
REV	NOTES	BY	DATE

TDA
THE GRANARY
NEWLAND FAWR FARM
LLANGAN
CF35 5DN
TEL: 01446 789367

CLIENT

MR. WILLIAM MITCHELL

DRAWING NUMBER	SCALE	
TDA.2398.03	1:500@ A1	
DRAWN	DATE	
RhC	JUNE 2018	

PROJECT

PROPOSED GYPSY & TRAVELLER SITE AT PLOT 3, BRAMBLE LANE, THAKEHAM

DRAWING TITLE

PROPOSED SITE LAYOUT & DETAILED LANDSCAPE SCHEME

Appeal Decision

Hearing Held on 15 January 2020

Site visit made on 15 January 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 7 February 2020

Appeal Ref: APP/Z3825/W/19/3225910

Plot 3, Bramblefield, Thakeham, West Sussex

- 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 William Mitchell against the decision of Horsham District Council.
 - The application Ref DC/18/1543, dated 2 July 2018, was refused by the Council by notice dated 21 December 2018.
 - The development proposed is change of use of land to a private gypsy and traveller caravan site.
-

Decision

1. I allow the appeal and grant planning permission for change of use of land to a private gypsy and traveller caravan site at Plot 3, Bramblefield, Thakeham, West Sussex in accordance with the terms of the application, Ref DC/18/1543, dated 2 July 2018, and the plans submitted with it or as amended, namely TDA.2398.01B, 02, 03B, and 04, and subject to conditions 1) to 7) on the attached schedule.

Main Issues

2. On the basis of both the Council's Reason for Refusal and representation from the Parish Council and local residents, the main issues are;
 - The effect of the proposal on the aims of local and national policies which seek to direct development to sustainable and accessible locations.
 - The effect of the proposal on the character and appearance of the area and the use of the access track.
 - The weight to be attached to other considerations.

Reasons

Accessibility

3. This is the single matter referred to in the Reason for Refusal and only policies in the Horsham District Planning Framework were cited. Policy 1 is a strategic policy on sustainable development and reflects the presumption in the National Planning Policy Framework. Policy 2 sets out the spatial strategy to focus development in and around key settlement of Horsham, and to provide for the varied housing needs of the community in terms of tenure, affordability, care and other support needs and the specific temporary and permanent needs of

gypsy and travellers. The expansion of settlements will be supported under Policy 4 subject to 5 criteria and sustainable transport requirements are contained in Policy 40.

4. With regard to gypsy and traveller sites, Policy 21 states that provision will be made for 39 net additional permanent pitches within the period 2011 – 2017 with necessary additional pitches over the remainder of the Plan period. A current backlog and unmet need, as of the date of the Plan, is referred to. Policy 22 states that existing sites will be safeguarded, and new sites to meet need will be identified in a Site Allocations Development Plan Document, while further sites may be provided with a criteria-based windfall policy. Policy 23 sets out 5 criteria that are to be taken into account when assessing any planning applications on non-allocated sites. The Council confirmed at the Hearing that only criterion d) was considered to be breached. This states that *'the site is located in or near to existing settlements, or is part of an allocated strategic location, within reasonable distance of a range of local services and community facilities, in particular schools and essential health services'*.
5. National policy is contained in Planning Policy for Traveller Sites, and Policy C says that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Policy H sets out the considerations when determining planning applications. The 2019 revision to the National Framework includes guidance on housing provision, sustainable development and the 3 overarching objectives of the planning system in achieving such development. Paragraph 11 sets out the presumption in favour of sustainable development and the considerations where policies are out-of-date.
6. The site is only a short distance from the settlement of Thakeham (The Street), and whilst in the countryside, neither the Local Framework nor Planning Policy for Traveller Sites preclude such a location, the latter stating that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the Development Plan. The site is not 'away' from the settlement and the access track passes through the settlement to reach the highway.
7. That finding of the site being in reasonable proximity of the settlement is reinforced by the conclusions of an inspector considering an appeal into the refusal of a prior approval application under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the nearby Bramble Barn (Ref APP/Z3825/W/16/317881 date 17 October 2016). The Inspector found that the building was not sufficiently divorced from services and utilities to be considered isolated. The accompanying Costs Decision found the Council's refusal on that ground to be unreasonable, stating that the site is located only a short distance from the settlement of Thakeham.
8. The settlement does however have only limited facilities, being identified as a 'smaller village' under Policy 3 of the District Planning Framework, where residents would be reliant of larger settlements for most of their requirements. There is still a public house on The Street and the parish church is located at the end of the access track from the appeal site. There is a bus service on the main road, but this is limited to a single return journey Monday to Fridays with a very limited additional service on 2 days a week.

9. The significant development at the Abingworth Nurseries site to the south of the Green Gap identified in the Neighbourhood Plan does not appear to have made-good the loss of the first school from The Street, but does have a pre-school nursery, while the Village Hall has relocated there. The shell of a shop has been provided under an agreement with the developer, but no operator has been found so that there is no shop available to the settlement including that new development.
10. The conclusion from the above is that residents of Thakeham (The Street) and the Abingworth Nurseries site would be reliant on larger settlements for much of their requirements, and whilst the Officer's Report from late 2018 referred to the shop as potentially meeting some of the needs of the occupiers of the appeal site, that has not yet come into being.
11. The Council has supplied a map and distances to the nearest facilities, although the development at the Abingworth Nurseries site is erroneously shown to contain a new school, whereas with only the pre-school nursery in place there, the nearest school appears to be 3.6km away at Storrington. That village was visited unaccompanied and was seen to contain a range of shops and other facilities including health services. Shops were also seen at Ashington and the Council state that there is a school there also.
12. The appellant's children attend West Chiltington School, which is stated to be 4.7km away although the blue star on the Council's map does not show the correct location on East Street seen as part of the unaccompanied tour of the area, but it is accepted that each of the schools is beyond a reasonable walk or cycle ride having regard to the nature of the roads between.
13. There is a range of services available to the site, in larger settlements at Storrington, West Chiltington and Ashington, and whilst not readily accessible other than by private vehicle, the distances should be regarded as being reasonable, as sought in Policy 23. Many trips would perform more than one function, perhaps shopping after dropping children at school, and the nomadic way of life implies that family members would be away at times seeking work.
14. Taking into account criterion d) of Policy 23, it is concluded that the site is in a reasonably accessible location. With regard to Planning Policy for Traveller Sites, the site would satisfy the aims of Policy H, paragraph 25 on not being away from existing settlements. It is concluded that permission should not be withheld by reason of the site's access to services.

Character and Appearance, and Use of Access Track

15. The first main issue has concluded favourably against the District Council's single objection and the policies cited in the Reason for Refusal. However, the Parish Council and local residents had raised further objections and cited Neighbourhood Plan policies in addition.
16. The Thakeham Neighbourhood Plan was 'made' in January 2017 and is therefore part of the Development Plan for the location of the appeal site. Policy 1 refers to built-up area boundaries defined in the Plan into which new development is to be steered, with countryside policies applying outside those boundaries. The Policy continues with the statement that proposals must not undermine the visual and physical integrity of a Green Gap identified on the Policies Map. Design is the subject of Policy 5, and Policy 8 seeks to resist the

- subdivision of agricultural land, with the text referring to the enclosure and subsequent proliferation of small buildings harming the character of open countryside and where access is poor, putting pressure on verges, footpaths, tracks and rural roads. Policy 9 is entitled 'Development in the Countryside' and states requirements for equestrian development, the conversion of agricultural buildings, and the extension of existing houses. Policy 14 seeks the protection of high-grade agricultural land from significant development.
17. The Neighbourhood Plan does not contain specific gypsy and traveller policies as that provision is contained within the District Planning Framework. Criterion e) of Policy 23 is that *'the development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings'*.
 18. The Neighbourhood Plan Policies Map shows the built-up area boundary generally more tightly drawn than the Conservation Area boundary, the latter encompassing a field identified as The Glebe Field Local Green Space. The Green Gap referred to in Policy 1 is shown between the built-up area of Thakeham (The Street) and the new development at Abingworth Nurseries and is on the further side of the built-up area boundary to the appeal site.
 19. The site is on or close to a ridge-line with the land sloping towards the village and away to the north. The converted barn is in a similar position, prominent from the north but more sheltered by a tree-line in views from the south, but the considerations under Class Q of the Order are for an existing building and the conversion should not result in the external dimensions being extended. As a result limited weight attaches to this change of use, other than providing a baseline of residential appearance and activity close to the site.
 20. The site is described as Plot 3 and there are various other numbered plots to the west and north that result from the subdivision of land and which have items including buildings in place. An Article 4 Direction is in place and Neighbourhood Plan Policy 8 is stated in the text to be responding to a recent increase in such subdivision, seeking to protect the visual amenities of the countryside. A proliferation of buildings was seen as a prominent feature of the hedge-line alongside the footpath heading north, and from the footpath rising up from Crays Lane to the north-east towards the ridge.
 21. The Council has supplied details of enforcement action, but it is apparent that not all items would be removed, and some degree of subdivision would likely persist. It is reasonable to attach some weight to the likely residual effect, particularly in respect of the immune items of Plot 8.
 22. Of apparent relevance is the refusal of permission on Plot H for change of use from agricultural land to residential and including the stationing of a caravan for the temporary period of 2 years (Ref DC/15/0321). The Officer's Report states that applicants were not employed in a rural business and the proposal was contrary to the then Policy DC1 of the 2007 Plan. Though not referred to, it is apparent that the occupiers were not claiming to be travellers and thus be eligible for consideration under local or national policies concerning that exception to general policies of restraint on development in the countryside.
 23. The day-room and caravans associated with the appeal proposal would not be seen from the footpaths further north, due to the topography and intervening

- vegetation, although the site would be visible from the footpath and approach lane from the village and from the Local Green Space. However, control can be exercised to ensure suitable landscaping in order to soften the effects, in line with paragraph 26b) of Planning Policy for Traveller Sites, whilst avoiding the harm identified in paragraph 26d) with regard to walls and fences.
24. There would be conflict with District Planning Framework Policy 2 and Neighbourhood Plan Policy 1 through being a countryside location, but traveller sites are commonly situated and permitted in the countryside, subject to the criteria in District Policy 23. With the use of conditions on landscaping and to control the numbers of caravans for this small family site, it is concluded that criterion e) on the visual effect would be met.
25. With regard to design and Neighbourhood Plan Policy 5, the appeal proposals are no different from usual traveller site provisions, a mobile home, a touring caravan and a dayroom, and national policy does not seek to proscribe further design requirements.
26. On the question of subdivision and Neighbourhood Plan Policy 8, a small family site such as this would likely be formed through subdivision of a larger field, and landscaping would commonly be used to separate the residential area from any associated grazing. It is pertinent that although there is enforcement action on many plots as shown on the Council's submissions, fencing and gates, and therefore visual subdivision, have been expressly permitted on Plots 1 and 2 to the west and items on Plot 8 will remain. The appeal site, Plot 3, is a visual continuation of those plots and the barn conversion to the east continues the line of subdivision further along the ridge. The established character and appearance of the area therefore includes subdivision and the appeal proposals would not appear out of character in this group.
27. Policy 9 has been cited by the Parish Council as a list of appropriate development and since the appeal proposal is not on that list it is not considered to accord with the policy. The policy contains a list of types of development that would be supported; equestrian, the conversion of agricultural buildings and proposal to extend houses in the countryside. The Policy sets out the terms under which that support would be given. National policy allows for other forms of development in the countryside, including but not restricted to traveller sites, and as worded, Policy 9 does not appear to seek preclusion of these other types of development either.
28. Policy 14 specifically refers to '*significant development*' when seeking to avoid the loss of Grade 2 and 3a land. The appeal proposal is not significant development, and some pasture or similar use would remain, the landscaping scheme being clear as the area set aside for residential use.
29. Comment has been made over the use of the footpath Right of Way to gain vehicular access to the site. The site plan rightly showed the access track to be part of the red-line application site, and the appellant has rights to pass and re-pass. Refuse collection can be made as agreed and the site is served by electricity and can accommodate its own sewage and surface water disposal, a condition would be required to ensure the required standards are met. As a result, District Framework Policy 23 criteria b) and c) can be satisfied.
30. The remaining criterion in Policy 23 is a); '*there must be no significant barriers to development in terms of flooding, poor drainage, poor ground stability or*

proximity to other hazardous land or installation where conventional housing would not be suitable'. These requirements are met in the case of the appeal site and proposals.

31. To conclude and taking account of the findings of the first main issue on accessibility, the proposal would not harm the character and appearance of the area, and would accord with all criteria of the only Development Plan policy which is specific to the provision of windfall gypsy and traveller sites, notwithstanding that it is not essential that they be met, the requirement being only to take them into account. There is conflict with Neighbourhood Plan Policy 9, but the gypsy and traveller policies at District and national level should take precedence, use of land by gypsies not being listed in Policy 9.

Other Considerations

32. Paragraph 3 of Planning Policy for Traveller Sites, states that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. Paragraph 10 requires Councils to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets.
33. It is agreed that the Council are unable to demonstrate the required level of supply, the timetable for rectifying that situation has slipped and the sites allocated through Policy 21 have not yet come forward. The Officer's Report accepts that this is a significant consideration in favour of the proposal, provided it does not significantly depart from the criteria in Policy 23, and that requirement has been met.
34. There is unmet need in the Council area and a failure of policy to meet that need. In addition, the appellant and his family are in housing need and there are no viable alternatives other than roadside living should they lose the use of the site. Such precarious living conditions would not be in the best interests of the children, which is a primary consideration. Access to education and healthcare would be seriously disrupted, and the location of the site has not caused difficulties in such access at present.
35. Whilst these matters need not be required to be taken into consideration, given the accordance with Policy 23, they add weight to the finding that the site is a suitable location for gypsy and traveller use, and outweigh the limited effect on the aims of Neighbourhood Plan Policy 8. For those reasons it is concluded that permission should be granted as applied for.
36. The application was for the use of land for a private gypsy and traveller caravan site and was not requested to be either temporary or personal. Whilst these options were discussed at the Hearing in order to fully explore the possible outcomes, the conclusion which flows from the reasoning above is that the site is suitable for permanent occupation and that the personal circumstances of the appellant and his family are common to many traveller families and have not had to be taken into account with specific reference to this family. As a result it is concluded that a permanent, non-personal permission should be granted, subject to the site only being occupied by gypsies and traveller as defined in Planning Policy for Traveller Sites.

Conditions

37. The Officer's Report recommending that permission be granted contained a list of conditions and as the site was not being occupied at that time, they included some pre-commencement conditions to ensure mitigation. This list was carried forward into the Appeal Statement and was discussed at the Hearing.
38. In the event the family had moved onto the site and the distressing circumstances surrounding the perceived need to leave their previous home were alluded to at the Hearing. As a result, not only are pre-commencement condition inappropriate, but further mitigation would need to be secured by a condition that provided for the use to cease and items be removed in default.
39. In addition to the gypsy and traveller condition previously referred to, conditions are necessary and reasonable in order to seek details of drainage, lighting, the removal of existing poor quality buildings, vehicle movements, landscaping and details on refuse storage and collection. The maximum numbers of caravans should be stated, and further conditions should prevent industrial, commercial or business activity including the external storage of materials; and to limit the size of vehicle.

Conclusions

40. The proposals satisfy the criteria in the relevant Development Plan policy on the provision of windfall gypsy and traveller sites. The arrangement of adjacent plots and the barn conversion allow the site to be assimilated into the character and appearance of the area and an acceptable access can be provided. Looking specifically at the only reason for refusal, the site is not so distant from day-to-day services, shops, education and health as to be unsuitable for the intended use. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

N Pettifer

Horsham District Council

FOR THE APPELLANT:

A Murdoch
W & C Mitchell

Murdoch Planning
Appellant and spouse

INTERESTED PERSONS:

O Richards
M Keenan
K Dawes
C Pightling
W Ward

Thakeham Parish Council
Local resident
Local resident
Local resident
Local landowner

DOCUMENTS

- | | | |
|----------|---|---|
| Document | 1 | Enforcement action plan and photo Plot G submitted by Parish Council |
| Document | 2 | Appeal Decision and Costs Decisions relating to Bramble Barn (DC/16/0272) submitted by District Council |
| Document | 3 | Council's Enforcement and Compliance status on small-holding plots and explanatory plan (Thakeham Plots and Plan) submitted by District Council |
| Document | 4 | Article 4 direction and map for background clarification submitted by District Council |
| Document | 5 | Enforcement Notices served in respect of Plot G, which are subject to recently lodged Appeals (APP/Z3825/C/20/3245103 & APP/Z3825/C/20/3245105) submitted by District Council |
| Document | 6 | Background Evidence for Thakeham Neighbourhood Plan – Subdivision of Fields submitted by District Council |
| Document | 7 | Officer's Report DC/15/0321 submitted by Parish Council |
| Document | 8 | Enforcement context submitted by Parish Council |
| Document | 9 | Appellant's final comments on foregoing Documents |

Schedule of Conditions

- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 2) 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, or such longer period as considered reasonable of the date of failure to meet any one the requirements set out in (i) to (iv) below:
 - i) within 3 months of the date of this decision a scheme for:
 - a) The means of foul and surface water drainage of the site;

- b) Proposed external lighting within the site;
- c) The removal of the existing storage buildings and structures on site.
- d) Details of the anticipated numbers, frequency and types of vehicles used during the laying out of the site and the construction of the dayroom, and the delivery of the mobile home.
- e) The hard and soft landscaping of the site including fences and gates, areas of hardstanding and a programme of the planting of vegetation, to be in general accordance with drawings TDA.2398.01B, 02, 03B, and 04.
- f) Details of arrangements for the storage and collection of refuse and recycling.

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.
- 3) There shall be no external lighting on the site other than as approved under Condition 2) above.
 - 4) Any plants as approved and provided under Condition 2) above which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
 - 5) No industrial, commercial or business activity shall be carried on from the site, including the external storage of materials.
 - 6) No more than 1 static caravan or mobile home, and no more than 1 touring caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (or any Act revoking or re-enacting these Acts), to be stationed on the site at any time.
 - 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.