

TAUNTON DEANE BOROUGH COUNCIL

PLANNING COMMITTEE - 11 SEPTEMBER 2002

1. The following appeals have been lodged:

Appellant	Date Application Considered	Proposal
Tauntfield Ltd (38/2001/458)	30.01.02	Conversion of barn to dwelling at Pool Farm, Taunton.
A Jeffs (38/2001/462)	20.02.02	Erection of dwelling on land between 26 & 28 Spencer Avenue, Taunton.
Bath Antiques Market Limited (38/2002/201A)	DD	Display of non-illuminated advertisements on side elevations at 23-29 Silver Street, Taunton.
Whitbread PLC (38/2001/384A)	DD	Display of various signs Former SWEB Site, Priorswood Road, Taunton.

2. The following appeal decisions have been received:-

(a) **Formation of an access to Meadow View, Nunnington Park Farm, Wiveliscombe (49/2001/052)**

The Inspector considered there were two main issues:

- (i) the effect upon the character and appearance of the area;
- (ii) the implications for highway safety along the Wiveliscombe to Langford Budville road and Quarkhill Lane.

The Inspector noted that the proposed track was approximately 110 metres long and was finished with a stone surface. He felt that the track was clearly visible within the landscape and that the development comprised an unsightly scar within an area of attractive countryside, causing harm to both the character and appearance of the area.

The Inspector considered that the access would result in small number of additional vehicles using Quarkhill Lane but with the use of visibility splays at the entrance to the proposed track onto Quarkhill Lane highway safety would not be compromised.

The Inspector concluded that although the development would not harm highway safety or the living conditions of neighbouring residents, this did not outweigh the harmful effects the proposal had upon the character and appearance of the area.

The appeal was, therefore, dismissed.

(b) Change of use of agricultural building to class B8 (storage and distribution) Staple Farm, Staple Fitzpaine (33/2001/006)

The Inspector considered the main issue to be the effect of the proposed use on highway safety.

On his site visit the Inspector noted that the roads were narrow and winding in places so that large vehicles would obstruct on-coming traffic and would be particularly difficult for articulated vehicles.

However, the Inspector also noted that small scale business proposals should not be rejected where only modest additional traffic would be created and the impact on minor roads was not significant.

The Inspector felt that with certain conditions imposed upon the planning permission the movements of vehicles could be effectively restricted.

The appeal was, therefore, allowed.

(c) Erection of office and workshop building on land to the west of Cooks Coaches, Whiteball, Wellington (32/2001/003)

The Inspector considered the main issue was the impact of the proposal on the character and appearance of its surroundings and on the living conditions of nearby residents.

The Inspector felt that the existing buildings were prominently sited and that the open frontage and their white colour increased the effect. He felt that another building, extending the complex away from the hamlet would increase the harmful impact on the countryside. The effect would be increased by the likelihood that some hedging along the lane would be removed to allow the building to be sited clear of parking areas and necessary visibility splays.

It was clear to the Inspector that the site was too small to accommodate the present activities and future needs of the two businesses, and that currently their operations caused a severe impact on both the character and appearance of the surroundings and the living conditions of neighbouring residents. He felt that the proposal would enable one or both businesses to increase levels of activity on the site and considered that this intensification would increase its visual intrusion in the countryside and exacerbate the existing impacts on the living conditions of nearby residents.

The appeal was, therefore, dismissed.

(d) **Change of use and conversion of house to form Childrens' Day Nursery at 1 Parkfield Drive, Taunton (38/2002/041)**

The Inspector considered the main issues were:

- (i) the effect on the living conditions of nearby residents, paying particular attention to noise and disturbance;
- (ii) the effect on the character and appearance of the area, having particular regard to the parking arrangements and the implications of the proposed vehicular access; and
- (iii) the effect on the safety and convenience of highway users.

The Inspector's main concern with regard to issue (i) was the noise the children would create when playing outside at the rear of the property. He felt that although the number of children at any one time would be limited to 8 the noise would be significantly more than would normally be expected on a regular basis within the garden of a private dwelling.

The Inspector concluded on issue (i) that the noise and disturbance from children playing at the rear of the appeal premises would be seriously detrimental to the living conditions of the occupiers of Nos 3 and 5 Parkfield Drive.

On issue (ii) the Inspector felt that the proposal would not give rise to an excessive level of comings and goings. Although the Day Nursery would not go unnoticed, the Inspector felt that such a use could operate discreetly in a residential area without materially affecting its character. He noted that most of the area in front of the appeal property would be used as a car park similar to a number of other front gardens in the street and he considered that with allowance for some vegetation, 6 parking spaces could be provided without causing material harm to the appearance of the area.

The Inspector concluded on issue (ii) that the proposal would not materially harm the character and appearance of the area.

Turning to issue (iii) the Inspector noted that parking was prohibited on Parkfield Drive at all times. He felt that retention of unimpeded access to the hospital was an important consideration but he saw little evidence during his visit that any of the parking restrictions were abused and he felt that the proposal was unlikely to result in significant delays or inconvenience to road users.

As for vehicle movements he saw no reason why there would be dangerous manoeuvres taking place on the highway.

The Inspector concluded on issue (iii) that the modest increase likely to result from the appeal proposal would not have any appreciable effect on highway conditions.

The Inspector's overall conclusion was that the proposal would not detract from the character or appearance of the area and he did not consider that it would have a material effect on highway conditions, including the ability of emergency vehicles to reach the nearby hospital quickly. However, he felt that the noise of children playing outside the building would seriously detract from the living conditions of neighbouring residents.

The appeal was, therefore, dismissed.

(e) **Conversion of barn to holiday let/winter letting unit at Pitlands Barn, Pitlands Farm, Hillfarrance (27/2001/015)**

The Inspector considered the main issue was whether the proposed conversion and use would maintain the rural character and appearance of the site and be in accordance with the prevailing policies for the protection of the countryside.

The Inspector noted that the building was the subject of an appeal decision in July 2001. However, there were two key differences in respect of the current scheme. The proposed conversion was not for permanent residential occupation and the proposed alterations had been modified to address earlier concerns.

The Inspector felt that the nature and extent of the repairs to the building was a matter of dispute between the parties but the works had already been carried out and he regarded the barn to be worthy of retention. He felt that it was more practical and sensible to consider the use of the building as it existed, but on the basis of the alterations proposed. The size of the curtilage had been substantially reduced and the existing gate was to be used for access. There was also the reinstatement of the hedgebank and the orchard which preserved the rural character of the site. Taking these factors into account, the Inspector considered that the rural character and appearance of both the building and the site would be maintained.

However, the Inspector noted that the proposal included winter lets and he felt that winter lets were tantamount to a permanent residential use. The domestic paraphernalia associated with a permanent residential property would, to a considerable extent, also be in evidence with a winter let. Winter lets would also produce a different travel pattern to a short term holiday let, which would mean a total reliance on private vehicles.

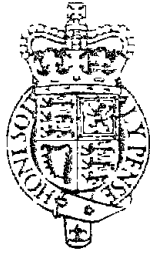
The appeal was, therefore, dismissed.

(f) **Retention of 2 mobile homes and two touring caravans for gypsy families at Long Acre, Rockhill, Wrantage (24/2001/022)**

Due to the complexity of the Inspector's decision letter, a full copy is attached for the information of Members.

3. The appeal was allowed.
The following hearing has been arranged:

Appellant	Site	Venue	Date
Taunfield Ltd	Pool Farm, Taunton.	PCR	21.01.2003



Appeal Decision

Hearing held on 25 June 2002

Site visit made on 25 June 2002

by **G M Hollington MA, BPhil, MRTPI**

an Inspector appointed by the First Secretary of State

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Date

26 JUL 2002

Appeal Ref: APP/D3315/A/02/1081466
Longacre, Rockhill, Wrantage, Taunton

- 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 Peter Orchard against the decision of Taunton Deane Borough Council
- The application (Ref 24/2001/022) dated 16 May 2001 was refused by notice dated 20 August 2001
- The development proposed is 2 mobile homes and 2 touring caravans for gypsy families plus retention of existing timber stables

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

- 1 The appellant and the Council describe differently the development the subject of this appeal. As it has already taken place, I shall treat the application as one for the retention of development already carried out and determine the appeal on the basis of an amended version of the Council's description, namely "retention of two mobile homes and two touring caravans for gypsy family"

Main Issues

- 2 I consider the main issues in this appeal to be the effects of the proposed development on
 - (a) the character and appearance of the surrounding area,
 - (b) highway safety arising from the use of the access, and
 - (c) patterns of travel, especially car use

having particular regard to national guidance and development plan policies and to other material considerations, including the personal and family circumstances of the appellant

Planning Policy

- 3 The development plan includes the Somerset & Exmoor National Park Joint Structure Plan Review (2000) and the East Deane Local Plan (1991). In the Structure Plan, Policy STR1 sets out the sustainable development principles for development. Development outside Towns, Rural Centres and Villages is strictly controlled by Policy STR6. Policy 36 indicates that provision of sites for gypsies should be made within reasonable distance of a settlement providing local services and facilities. Transport requirements of new development are set out in Policy 49; they include the needs to provide safe access to roads of adequate standard within the route hierarchy and normally not to derive access from a
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County Route. The road hierarchy is defined by Policy 51, the A378 road is a County Route. In the Local Plan, Policy ED/EC/7 seeks to safeguard Special Landscape Areas.

4. There is an emerging local plan, the Taunton Deane Local Plan, the Revised Deposit of which was approved in October 2000. A public local inquiry into objections is in progress. As the plan's policies remain liable to change, I shall give them moderate weight. Emerging Policy S1 sets out the general requirements for all development, including criteria relating to road safety, visual impact, minimising car use, and the appearance and character of any affected landscape. New building outside defined settlement limits is generally resisted by Policy S8 unless it maintains or enhances the environmental quality and landscape character of the area and meets certain other requirements. Outside these limits, Policy H10 permits sites for gypsies provided that they meet a number of criteria. These include there being a need, safe and convenient access by bus, cycle or on foot to schools and community facilities; a landscaping scheme to screen the site from outside views, and no harm to the special environmental importance of protected areas. Policy EN13 seeks to ensure that development respects the distinctive character and appearance of Landscape Character Areas.

Planning History

5. The appeal site's planning history may be summarised briefly as follows. Planning permission for a mobile home in connection with agriculture was refused, planning permission was dismissed on appeal in 1991. Permission for development including siting of a mobile home was refused in 1990, as was permission for a washroom / toilet block in 1993. Applications for development including the siting of a gypsy caravan and the retention of a gypsy mobile home were refused in 1993 and 1994, respectively. Appeals against the latter 4 decisions or related enforcement action were dismissed and subsequent action taken by the Council to clear the site.
6. The siting of 2 touring caravans and retention of an existing building was refused permission in 1998. When the application the subject of the current appeal was refused permission, the Council also resolved to commence enforcement action if the mobile homes had not been removed within 2 months.

Reasons

(a) Effect on Character and Appearance

7. The appeal site is a strip of land which rises gently away from the A378 road towards the steeper, wooded slopes of the Fivehead escarpment. It lies in mostly open, agricultural land and is bordered by hedges on 3 sides. The mobile homes, touring caravans and ancillary wooden structures are situated towards the southern end of the site away from the A378, within an area which is largely enclosed by wooden fencing. This compound has a gravel surface, as does most of the drive leading to the road.
8. In my opinion, the driveway, mobile homes, caravans and other structures are all domestic features which look out of place in their agricultural surroundings. I saw that, even in summer, they are clearly visible from the A378 in the vicinity of the access and to the west, there are also views from Rock Hill and I would expect the structures on the site to be more noticeable from the upper floors of the dwellings along this road. Not only is the development intrusive, but its appearance also detracts from the attractive views towards the

escarpment, a feature to which existing and emerging local plan policies give special protection. I consider, therefore, that the development is unacceptably harmful to the area's character and appearance.

- 9 However, by imposing suitable conditions, I believe this harm could be significantly alleviated. In particular, landscaping with appropriate species could better screen the site and its structures from public view, and painting the mobile homes and caravans in darker colours would reduce their visual impact even in winter when deciduous plants are bare of leaves. I am also mindful that, unlike a dwelling of permanent construction, mobile homes and caravans can be removed from a site.
- 10 The last reason for refusal also refers to the introduction of noise, to the detriment of the quiet, agricultural nature of the area. However, the site now has a mains electricity supply and so there is no longer a need to run any electricity generator.
- 11 My conclusion on this matter, therefore, is that the development results in unacceptable harm to the character and appearance of the surrounding area. This conflicts with the aims of Structure Plan policies STR1 and STR6, of Local Plan Policy ED/EC/7 and of emerging Local Plan policies S1, S8, H16 and EN13. It also fails to accord with the aims of Planning Policy Guidance note 7 *The Countryside – Environmental Quality and Economic and Social Development* to protect the countryside and of Circular 1/94 *Gypsy Sites and Planning*, as this latter indicates that, as a rule, provision for gypsy sites should not be made in protected areas of land where development is severely restricted. The harm could, however, be alleviated through the use of conditions.

(b) Effect on Highway Safety

- 12 The appeal site's access is from the A378 County Route a short distance to the south-west of the bend in this road at its junction with Rock Hill. The stretch of road past the access has a 50mph speed limit, this reduces to 40mph to the south-west and the bend at the Rock Hill junction also helps to limit speeds.
- 13 The appeal development conflicts in principle with the policy of not deriving access directly from a County Route, although the policy does allow for exceptions if warranted by the special need for and benefit of a particular proposal. I shall return to these matters below (paragraphs 22 – 30).
- 14 It is not disputed that the A378 is a well-used road and that, over the length in the vicinity of the site, there have been 5 recorded accidents in the past 5 years, albeit none since March 2000. The submitted reports show that 3 of these involved vehicles turning on to or from the A378. The highway authority does not regard the number of accidents itself as significant, but I accept that they highlight the danger of turning movements.
- 15 Visibility to the south-west of the appeal site access is satisfactory but to the north-east the minimum of 90m acceptable to the highway authority can be achieved only by keeping trimmed the hedge on a neighbouring owner's land. In respect of the hedge from the access to the Rock Hill junction and beyond (further than required for the 90m visibility), its owner has given her written agreement for the appellant to keep it trimmed to a height of 3ft (0.91m) for so long as he is in occupation of his land at Longacre. If it were not trimmed, less than 90m visibility would remain available.

- 16 I appreciate that the number of traffic movements generated directly by the occupiers of the appeal site would not be great but, bearing in mind also the likelihood of visitors and deliveries I agree with the highway authority's estimate of a probable 8 vehicle movements per day. In the light of the volume and speed of traffic along the A378, my view is that use of the appeal site access would result in material harm to highway safety unless the 90m visibility to the north-east were secured.
- 17 The landowner's agreement does not, however, impose any obligation on her successors, so there is a risk the hedge could grow and obstruct visibility. Circular 11/95 *The Use of Conditions in Planning Permissions* advises that conditions requiring the carrying out of works on land outside the planning application site cannot be imposed unless the applicant has sufficient control over the land to enable those works to be carried out. In my opinion, therefore, it would be unreasonable to impose a condition requiring the hedge to be kept trimmed. Without it some visibility to the north-east would be available, but its extent would be limited.
- 18 My conclusion on this matter, therefore, is that the proposed development would cause significant harm to highway safety, arising from the use of the access. It would be contrary to Structure Plan policies 49 and 51 and to emerging Local Plan Policy S1.

(c) Effect on Patterns of Travel

- 19 The appeal site is nearly 2 miles from North Curry, the nearest village providing a range of services and facilities including shops, a primary school and health centre. I saw that the road from the A378 to this village is not conducive to walking or cycling, as it has no footways, is unlit and in places is narrow, with restricted forward visibility. There are limited bus services along the A378 to the nearest town, Taunton, but the closest official stops are some distance away from the appeal site.
- 20 I cannot, therefore, regard the site as having safe and convenient access by bus, cycle or on foot to community facilities, although I note that a school bus is provided to take the appellant's son, Joe, to North Curry. Structure Plan Policy 36 indicates that sites should be within a reasonable distance of a settlement providing local services and facilities. In my opinion, the appeal site is not within what would normally be regarded as a reasonable distance. However, the appellant's medical condition limits his mobility and so I believe it would be difficult for him to rely significantly less on a car, and there is no suggestion that a site closer to local services and facilities is available. Further consideration is given below to both these matters.
- 21 Consequently, I conclude on this matter that, while the site is not in a sustainable location which would comply with Structure Plan policies STR1 and 36 and emerging Local Plan policies S1 and H16, the harm to overall patterns of travel, especially car use, would not be so great as to be unacceptable.

(d) Other Material Considerations

- 22 The appeal site is occupied by the appellant, his wife Sophie, daughter Sophie (aged 16) and son Joe (10), together with his married daughter and son-in-law, Carreann and Joe Orchard, and their baby son Joe. It is not disputed that the appellant's family are gypsies, and I consider this is borne out by the pattern of travel to earn a living followed by the appellant and his son-in-law.

- 23 There are a number of authorised sites for gypsy caravans in Taunton Deane Borough but the last 2 published counts indicated there were 6 and 11 unauthorised encampments in January and July 2001, respectively. I accept that it is more difficult to quantify the unauthorised sites, and that the figures do not identify how many of the unauthorised encampments were occupied by those merely passing through the Borough. Nevertheless, in my opinion these figures suggest that there is an unmet need, albeit small, for gypsy sites in the area. Given that the appellant's family would require 2 pitches, the County Council cannot accommodate them on any of its sites except at a short-stay, transit site which it is not disputed would not be appropriate.
- 24 At the Hearing, it was questioned whether the family could be accommodated at the Stoney Head Park site, Wrantage, but the only clear knowledge of this appears to be that of Mrs Smith-Bendell, who states the site is full. It seems that some of the pitches intended for gypsies at this site are occupied by other travellers, and the Borough Council considers there could be a possibility of vacancies here in the short-term or, in the longer term, at a County Council site. However, in my opinion there is no certainty of either possibility arising. Bearing in mind also the efforts made by or on behalf of the appellant to find a site and that the Council does not dispute that the family would be unable to settle satisfactorily in permanent housing, I consider there is a need for a gypsy site to accommodate the appellant and his family, and this need cannot readily be met in the Borough.
- 25 I turn now to consider whether this need could be met only by the appeal site, by reference to the appellant's personal and family circumstances. The appellant suffers from recurring gout, which often limits his mobility and ability to drive. His wife, having undergone surgery, continues to suffer from medical problems. Both need continuing treatment and medication, and are given support by their married daughter and son-in-law. The Council accepts that their medical circumstances support the family's need for a permanent site, but not in this location.
- 26 In my opinion their health needs could, in principle, be met at least to some extent if the family were to find a site elsewhere on which they could settle. However, I consider the present access to electricity and an adequate water supply at the appeal site are significant benefits, as is access which is reasonably convenient to the health centre where doctors are familiar with their needs.
- 27 Although the appellant's daughter, Sophie, has not been a regular pupil at school, his son Joe attends North Curry Church of England Primary School. Because of past travelling, he has had little schooling and his literacy and numeracy skills are limited in relation to his age. He also has some other learning difficulties, but has settled well at the school and is being permitted to stay there for a further year from September 2002. The Borough Council accepts that for Joe's education, a settled site would bring benefits, but not the appeal site.
- 28 In my view, Joe's education needs are particularly significant, and the Children's Society report points in general to children suffering if they do not have access to education facilities and stable and secure sites. The North Curry school is very supportive and I consider that stability for Joe would be especially valuable. This would be undermined if the family had to move away from the education support he receives. No other site in the area has been identified for the family to move to, and the planning history suggests there is a real possibility the family would have to move elsewhere if this appeal were dismissed.

- 29 I appreciate that enforcement is not the subject of the current appeal and that the Council states that, before taking any action, it would treat the family as homeless and consider their education needs, not moving them on until an alternative permanent site were found. However, I consider that the prospect of enforcement and the uncertainty this would bring would significantly jeopardise Joe's education prospects, both in the short term and at secondary school.
- 30 From both the health and education points of view, therefore, but especially the latter, I consider that stability for the family is an important consideration. In my view, this would be seriously undermined if the family had to move away from the health and education support from which they currently benefit.

Conclusions

- 31 Overall, therefore, I conclude that the development causes unacceptable harm to the character and appearance of the surrounding area and significant harm to highway safety, arising from the use of the access, whereas the harm to the overall pattern of travel especially car use, would not be so great as to be unacceptable. Nevertheless, the impact on the area's character and appearance can be mitigated. Some visibility (but less than 90m) is available north-east from the access and I consider that such harm as does arise from the limited visibility is clearly outweighed by the substantial need for a gypsy site for the family and the particular needs of the family in respect of health care and, particularly, education. There are, therefore, material considerations which prevail over the conflict with development plan policies and national advice.
- 32 As regards the submissions made relating to Articles 8 and 14 of the European Convention on Human Rights, I recognise that dismissal of the appeal would result in an interference with Peter Orchard's home and private and family life under Article 8. In particular, the family would be likely to suffer the loss of its home, with no realistic prospect of a satisfactory alternative. However, as I have decided to allow the appeal, I do not address the question of whether dismissal of the appeal would result in a violation of the appellant's rights under Article 8 and, taken with it, Article 14.

Other Matters

- 33 I have also taken into account all the other matters raised at the Hearing and in writing, including references to other sites in the area and concerns about setting an undesirable precedent and discriminating in favour of gypsies. In respect of other sites, circumstances vary from place to place and each proposal needs to be considered on its own merits. Although planning permission was granted on appeal for mobile homes for gypsy families at Lords Wood, that Inspector made clear his decision was made in the light of the particular circumstances of the families and the site itself. Since my decision is also based on similar considerations, it should not be seen as a precedent for other developments in the countryside.
- 34 Regarding discrimination, my view is that there is not a realistic remedy for the appellant and his family outside the planning system and, as the Borough Council acknowledges, it is appropriate to take personal circumstances into account. None of the other matters, therefore, is of such significance as to outweigh the considerations which have led to my conclusions on the main issues.

Conditions

- 35 I have considered the need for conditions in the light of the advice in Circular 11/95 *The Use of Conditions in Planning Permissions*. As I am allowing this proposal because of the appellant's circumstances, I consider it appropriate to limit the occupation of the site to the family in question and to define the number of mobile homes and caravans. In addition, the appellant pointed out at the Hearing that, with a personal restriction, the condition of the site can easily revert to being countryside, and so a condition to ensure its restoration would also be relevant. A time limit would not, in my view, be appropriate particularly in view of the need for education stability, which is likely to last for some time.
- 36 In order to mitigate any harm to the area's character and appearance, I agree the necessity for conditions regarding hedges (amended to reflect the appellant's not owning the hedge on the western boundary), landscaping, means of enclosure, lighting and the colour of the caravans. In the interests of highway safety, I accept the need for conditions in respect of parking and turning space, access width and radii, entrance gates, surfacing of the drive and, in relation to the appellant's land, visibility from the access. In addition, I agree the necessity for an amended condition to prevent pollution of the water environment by the contents of any storage tank.
- 37 Some re-wording of the suggested conditions is also necessary as the use has already started, allowing a reasonable period where appropriate for details to be agreed and implemented, and in order to reflect better the advice of the Circular, while not altering their aims.

Conclusions

- 38 For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision


- 39 In exercise of the powers transferred to me, I allow the appeal and grant planning permission for retention of two mobile homes and two touring caravans for gypsy family at Longacre, Rockhull, Wrantage, Taunton in accordance with the terms of the application Ref 24/2001/022 dated 16 May 2001, and the plans submitted therewith, subject to the following conditions:
- 1) The use hereby permitted shall be carried on only by Mr and Mrs Peter Orchard and Mr and Mrs Joe Orchard and their dependants. When the site has ceased to be occupied by Mr and Mrs Peter Orchard and Mr and Mrs Joe Orchard and their dependants, the use hereby permitted shall cease and the site be restored to its former condition and use as agricultural land.
 - 2) No more than 2 mobile homes and 2 caravans shall be stationed on the land at any time.
 - 3) The existing hedges on the south and east boundaries of the site shall be retained to a minimum height of 2m.
 - 4) Within one month of the date of this permission, a scheme of planting of trees and shrubs which shall include details of the species, siting and numbers to be planted, shall be submitted to the local planning authority. The scheme as approved in

- writing shall be completely carried out within the first planting season following the approval of the local planning authority, or as otherwise extended with the agreement in writing of the local planning authority
- 5) Any tree or shrub which forms part of the approved planting scheme and which within a period of 5 years from the completion of the planting fails to become established, becomes seriously damaged or diseased, dies, or is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity which shall have been approved in writing by the local planning authority
 - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no fences, gates or walls or other means of enclosure shall be erected on the site
 - 7) Prior to its erection on site, details of any external lighting shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details
 - 8) Within one month of the date of this permission, details of the colours in which the mobile homes and touring caravans are to be painted shall be submitted to the local planning authority. The painting in accordance with the details approved in writing by the local planning authority shall be carried out within one month of their approval or in accordance with a timetable agreed in writing with the local planning authority
 - 9) Within the area of the appellant's land, there shall be no obstruction to visibility higher than 900mm above the road surface within the zone taken from a point 2m back along the centre line of the access and extending to a point 120m to the south-west and 90m to the north-east. Such visibility shall be kept permanently clear of any obstruction
 - 10) The access shall have a minimum width of 3m and incorporate junction radii of 4.5m
 - 11) Any entrance gates shall be hung to open inwards and shall be set back a minimum distance of 10m from the edge of the carriageway
 - 12) Details of the properly consolidated and surfaced (no loose stones or chippings) driveway from the edge of the carriageway to the entrance gates shall be submitted to the local planning authority within one month of the date of this permission. The driveway shall be formed in accordance with the approved details within one month of their approval
 - 13) Within one month of the date of this permission, details showing a parking area for 4 vehicles and a turning area shall be submitted to the local planning authority for approval. The parking and turning areas shall be formed in accordance with the approved details within one month of their approval and shall be kept available at all times for the parking and turning of vehicles
 - 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no tank for the storage of oils, fuels or chemicals shall be erected on the land unless it is sited on an impervious base and surrounded by

impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected where possible from accidental damage.

Information

- 40 A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court
- 41 This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990
- 42 An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period



INSPECTOR