The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Gwrandawiad a gynhaliwyd ar 01/11/16
Ymweliad â safle a wnaed ar 01/11/16

gan Richard E. Jenkins BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 16.11.2016

Appeal Decision

Hearing held on 01/11/16
Site visit made on 01/11/16

by Richard E. Jenkins BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 16.11.2016

Appeal Ref: APP/H6955/A/16/3144761

Site address: Southsea Stables, Land off B5101, Southsea, Wrexham, LL11 5NS

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Andy Cash against the decision of Wrexham County Borough Council.
- The application Ref: BRO P/2015/0773, dated 12 September 2015, was refused by notice dated 20 November 2015.
- The development proposed was originally described as the replacement of the existing stable building and shed with one mobile home, one mobile utility structure and 2No. touring caravans.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of the land to a residential caravan site incorporating the replacement of existing stable building and shed with one mobile home, one mobile utility structure and 2No.touring caravans, together with associated parking at Southsea Stables, Land off B5101, Southsea, Wrexham, LL11 5NS in accordance with the terms of the application, Ref: BRO P/2015/0773, dated 12 September 2015, and the plans submitted with it, subject to the conditions set out in the schedule below.

Procedural Matters

2. The development proposed is described on the original planning application form as "*The replacement of existing stable building and shed with one mobile home, one mobile utility structure and 2No. touring caravans*". This description is largely consistent with that used on the Notice of Decision which added the following wording to the end of the original description: "…*together with associated parking (partly in retrospect)*". Nevertheless, as discussed and agreed by the main parties at the hearing, it is important that the description of development accurately reflects what is being sought. Specifically, it is common ground in this case that the development proposed would incorporate the change of use of the land to a residential caravan site for the purposes of occupation by Gypsies and Travellers, as defined by Welsh Government (WG) Circular 30/2007: *Planning for Gypsy and Traveller Caravan Sites* (WG Circular 30/2007).

3. Accordingly, it was agreed at the hearing that the description of development should be amended as follows: "*The change of use of the land to a residential caravan site*

incorporating the replacement of existing stable building and shed with one mobile home, one mobile utility structure and 2No.touring caravans, together with associated parking." As this change simply clarifies what is being sought, I am satisfied that nobody would be prejudiced by this change of description. Therefore, and for the avoidance of any doubt, it is on this basis that I shall determine the appeal.

4. Given the extent of the personal circumstances advanced as part of the arguments in favour of the scheme, the appellant contests that a permanent yet personal planning permission would be the most appropriate course of action. Whilst the acceptability of any grant of planning permission at the site remains a matter of contention, the appellant has clarified that, should the appeal be allowed, it should relate to the following persons and their resident dependents: Mr Andy Cash (the appellant), Ms Ann Berry, Ms Margaret Delaney, Ms Mary Delaney and Mr Jonny Delaney. It is on this basis that I shall consider the appeal.

The Site, Surroundings and Background

5. The appeal relates to an irregular shaped yet modest parcel of land located to the north of the settlement of Southsea in Wrexham. The site is part of a wider area of land owned by the appellant that is split by a public footpath. The principal access to the site is achieved off Southsea Road (B5101) and comprises a brick built splayed vehicular and pedestrian entrance decorated with ornate structures and gates. At the time of my site visit, the stables and shed proposed for removal were located on site, along with a utility structure, mobile home, or "chalet" as it has been referred, four caravans, an area of hard standing, an LPG tank, a number of other sheds and some residential style paraphernalia. The wider site is relatively well screened by hedgerows and trees, although, as the appeal site only relates to a modest proportion of the site, a new boundary to the east of the site is proposed, along with a detailed landscaping scheme.

6. The site has a long and complicated planning history, including a number of proposals for the stationing of caravans for residential purposes. Most recently, an application was submitted in 2011, under Ref PG/2011/0670, for the residential use of the site by Gypsies and Travellers, with one chalet and two caravans proposed, along with an amenity building. That scheme, was refused by the LPA in 2012 and subsequently dismissed at appeal[1], with the Inspector concluding that the matters submitted in favour of the scheme did not amount to very exceptional circumstances to justify the harm to the character and appearance of the area and the loss of openness of the 'Green Barrier'. For ease of reference, I shall refer to that proposal as the 2012 scheme.

7. An enforcement notice was served on the appellant in November 2013. The alleged breach of planning control in that case was: "*Without planning permission, the change of use of the land from use for agriculture to a mixed use for agriculture and for the provision of gypsy and traveller residential caravan accommodation, a chalet, the parking of vehicles, the erection of walls, ornate metal gates, fences, a mobile utility unit and laundry building and associated domestic paraphernalia, the installation of a LPG tank and the importation of waste materials and tarmac to form a hard standing for the caravans and chalet*".

[1] APP/H6955/A/12/2172149

8. The planning merits of the matters alleged in the notice were considered under the deemed planning application arising from the ground (a) appeal and the enforcement notice was subsequently upheld in 2014[2]. For ease of reference, I shall refer to that proposal as the 2014 scheme. In brief, the ground (a) appeal was dismissed by reason of the substantial harm to the character and appearance of the area and the harm to the 'Green Barrier', which was not considered to be outweighed by the other considerations in favour of the proposal. It is worth noting, however, that the ground (g) appeal was successful, with the period of compliance extended to a total period of 18 months. At present, the enforcement notice has not been complied with and the occupants are open to prosecution and potential eviction from the site.

9. Given the complicated history at the site it is worth noting the principal differences between the previous appeal schemes and that proposed in this case. Firstly, it is notable that the current scheme would include provision for one mobile home, one mobile utility structure and 2No. touring caravans. In this respect, and having regard to the size of the appeal site, the current scheme has similarities with the 2012 scheme. However, the site area currently under consideration is significantly smaller than that considered in the 2014 scheme.

10. At a scale of some 14 metres by 8.5 metres, the mobile home proposed in the current scheme would be noticeably larger than that proposed in 2012. However, the existing stable building and shed would be removed from the site in the current scheme, which was not the case in both of the previous appeal schemes. Importantly, this enables the proposed site layout to be reconfigured, with the mobile home proposed to be located in the current location of the stables and the caravans and associated utility structure located within the north-west corner of the site. Furthermore, an extensive landscaping scheme to the east of the site is currently proposed, with the gated access from the public footpath closed as part of those proposals. This again differs from the previously dismissed appeal schemes.

11. Notwithstanding such matters, the appellant points to the fact that, since the determination of the 2012 and 2014 appeals, Part 3 of the Housing (Wales) Act 2014 has brought about a statutory duty on local authorities to provide Gypsy and Traveller sites where there is evidence of need. Furthermore, the personal circumstances of the proposed beneficiaries of the proposal have significantly altered since the previous appeal decisions. Moreover, it is submitted that the continued lack of supply, matters arising from the European Convention on Human Rights and the best interests of children, along with the key principles arising from recent case law, all contribute towards a package of evidence in favour of the scheme. The merits of such arguments will be considered in some detail below.

12. The fact that the appellant and the other proposed beneficiaries of the proposal comprise Gypsies and Travellers, as defined by WG Circular 30/2007, is a matter of common ground. On this basis, and in the absence of any evidence to the contrary, I am satisfied that this is an appropriate basis upon which to determine the appeal. Accordingly, the national and local policy framework relating to Gypsy and Travellers is engaged.

[2] APP/H6955/C/13/2210461

Main Issues

13. The main issues in this case are:

- The effect on the character and appearance of the area, with particular reference to the location of the site within the 'countryside' and the 'Green Barrier' designation, as defined by the Wrexham Unitary Development Plan 1996- 2011 (2005); and
- Whether any harm identified would be outweighed by other considerations in favour of the proposal, including those relating to the general provision of Gypsy and Traveller sites within the area and those associated with the personal circumstances of the persons to which the appeal relates.

Reasons

Character and Appearance

14. In land use policy terms, the appeal site is located within 'countryside', as defined by the adopted Wrexham Unitary Development Plan 1996- 2011 (2005) (the UDP). Within such areas, both national policy and development plan policy advocate a strict control over development. Specifically, Policy PS2 of the UDP states that '*development must not materially detrimentally affect countryside… landscape character… or the quality of the natural environment*'. Moreover, UDP Policy GDP1 states that built development should '*…accord with the character of the site and make a positive contribution to the appearance of the nearby locality*'.

15. The appellant contests that a well-conditioned planning permission would offer the opportunity to 'tidy up' the visual appearance of the site. Nevertheless, it is important that the current scheme is considered relative to the lawful use of the site as opposed to its current unlawful use. Indeed, the lawful use comprises agricultural land with only a modest area incorporating buildings associated with the stabling of ponies. The appellant has advanced the argument that a significant proportion of the site is previously developed, as defined by paragraph 4.9 of Planning Policy Wales (Edition 8, 2016) (PPW). However, having had regard to historic aerial photographs of the area, Inspectors dealing with previous appeals at the site have concluded that the majority of the site retained an open verdant quality prior to the appellant's occupation. Indeed, whilst I acknowledge that an area of hardstanding associated with the stables and shed is likely to have been present, I have not seen anything to suggest that the wider area is in fact previously developed under the terms of national policy.

16. The appellant's evidence states that the landscape characteristics of the area are neither prominent nor visually intrusive. Indeed, I was able to confirm at my site visit that the site sits below a large vegetated highway embankment which provides effective screening to the east, below an open field to the south and is defined by a tall peripheral hedgerow fronting Southsea Road. As such, and bearing in mind the amended siting of the proposed structures relative to previously considered appeal schemes, views from public vantage points would be somewhat limited, particularly during those months when the trees and hedgerows would be in leaf. Furthermore, the proposed landscaping scheme and the closure of the access gate at the public footpath, which is again new to this scheme, would further assist in the screening of the site.

17. Nevertheless, despite such mitigating features, the site clearly forms an edge of settlement location. As such, the proposed use would encroach into what is lawfully an area of open countryside and, in doing so, would injuriously alter the formally rural character of the site. Indeed, Southsea Road acts as a defined physical feature that would be formally breached if the appeal was allowed. It is also difficult to escape the fact that the proposed mobile home is significantly larger than the stable building that it would replace. Furthermore, the changes to the character of the site would be reinforced by the wider residential use of the site which would include the siting of two touring caravans, a utility structure and residential style paraphernalia that would typically come with such a use.

18. Therefore, whilst I acknowledge the modest scale of the site and the aforementioned mitigating features, I conclude that the proposed use would result in a significant change in the landscape character of the area relative to its former lawful use. Indeed, the development would cause material harm to the character and appearance of the area and, for this reason, would run counter to the general thrust of Policy PS2 and Policy GDP1 of the adopted UDP. The extent of this harm will need to be balanced against the material considerations advanced in favour of the appeal.

The 'Green Barrier'

19. Both the appeal site and the wider area owned by the appellant are located within an area designated as a 'Green Barrier' by the adopted UDP. The appellant refers to the fact that the UDP is out of date and also notes the fact that there is no provision for 'Green Barriers' within national policy. Nevertheless, the UDP remains the adopted development plan for the area and section 5.2 clearly states that areas within the designated 'Green Barrier' possess the same characteristics and have the same purpose as Green Belts, with the only difference being their permanence. In this respect, it appears that the 'Green Barrier' is synonymous with the 'Green Wedge' policy advocated in Section 4.8 of PPW. For this reason, and for the avoidance of any doubt, it is on this basis that I have treated the 'Green Barrier' designation. Indeed, despite the arguments put forward by the appellant, it was agreed at the hearing that it is within this manner that the written evidence had been prepared.

20. Before considering the effect on the 'Green Barrier', it is important to note that it is common ground that the proposal comprises 'inappropriate development' in the 'Green Barrier'. Indeed, paragraph 33 of WG Circular 30/2007 clearly states that new Gypsy and Traveller caravan sites within Green Wedges would be likely to comprise inappropriate development. PPW also provides a definition of inappropriate development and goes on to state that such development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm identified. Furthermore, PPW states that one of the most important attributes of such areas are their openness. Consistent with this approach, Policy EC1 of the adopted UDP states that development will only be permitted within 'Green Barriers' where the openness of the area is maintained and where the use of land would not conflict with the purpose of including the land within it.

21. It is clear that the development proposed in this case does take some measures to limit its visual impact. Specifically, as referred above, the removal of existing structures and the relatively discrete siting of the proposed structures, along with the proposed landscaping scheme, provide evidence of this. Nevertheless, whilst the stationing of the structures comprises a use of land, it cannot reasonably be argued that they would have a significantly lesser impact on the openness of the area than

other similar sized buildings. In addition, it is clear that the associated stationing of two touring caravans, the parking of vehicles and any associated residential structures or paraphernalia that might arise from the occupation of the site would further erode the openness of the area relative to the lawful use of the site. In this respect there is no doubt that the proposal would result in some loss of openness to the 'Green Barrier'.

22. As such, the proposal would fail to maintain the openness of the 'Green Barrier' and would conflict with the purpose of including the land within it. Indeed, it is established in law that the issue of openness is not one that is confined to public views. Accordingly, the proposal would fail to comply with the requirements of Policy EC1 of the adopted UDP. The extent of whether or not there are very exceptional circumstances that can be demonstrated to outweigh the identified harm will be set out below.

Need and Supply of Gypsy and Traveller Sites

23. The 2012 appeal decision explains that, at the time of determination, there was a need for approximately 23 pitches within the area. The 2014 appeal decision refers to a general need of 27 pitches. Unfortunately, the most up to date Gypsy and Traveller needs assessment, which the Council has a statutory duty to prepare, was not made available by the Council as part of that appeal. Nevertheless, the Council confirmed at the hearing that there had not been any new land use allocations since the previous appeal decisions. Indeed, the first iteration of the Wrexham Local Development Plan (LDP) was withdrawn at Examination, with inadequate provision for Gypsies and Travellers cited as one of the principal concerns raised by the appointed Inspector.

24. Moreover, despite some references being made to recent planning applications for Gypsy and Traveller sites within the area, I have not been provided with any evidence to suggest that the need has materially reduced. Indeed, the Council confirmed at the hearing that the total level of need is currently higher than that considered at the time of the previous appeals. Furthermore, it is also material to the determination of the current appeal proposal that Section 103 of the Housing (Wales) Act 2014, which post-dates both of the previous appeal decisions, introduces a statutory duty on local authorities to provide sites where there is an identified need. I consider that such matters warrant substantial weight.

25. The appellant states that the supply of available sites within the locality is virtually non-existent. When asked about the supply within the area, the Council confirmed that their strategy for dealing with the existing need would be through the LDP process, with the deposit LDP anticipated to go on public consultation in the summer of 2017. Assuming that to be the case and that no further delays would be necessary, it is reasonable to assume that the Examination, which in itself could last around 12 months, would not be until 2018. That is, however, a best case scenario. Within this context, and bearing in mind the fact that the family could not live in conventional bricks and mortar housing, it was generally agreed at the hearing that it is extremely unlikely that there would be any other suitable lawful sites available to the appellant should they have to leave the appeal site.

26. Sites within local designations such as the 'Green Barrier' carry with them significant weight, however, and should be avoided except in very exceptional circumstances. I have not been provided with any significant tangible evidence of efforts made by the appellant to secure accommodation outside of the 'Green Barrier', although it was confirmed at the hearing that such efforts have been made, but without success.

Specifically, Mr Cash stated that, despite meetings with representatives of the LPA, he has been unable to find an alternative site, with sites being either unsuitable for his families' needs, unavailable because of the reluctance of land owners to sell land with the prospect of such an impending use or the fact that available land is simply unaffordable. Accordingly, the appellant confirmed that, should the family be evicted from the site, they would be forced into living on the roadside, regardless of the problems that would be likely to arise from such a situation. Again, this is a matter which merits substantial weight in the decision making process.

Personal Circumstances

27. In addition to the under provision of Gypsy and Traveller sites within the area, the evidence in support of the scheme includes a number of personal circumstances that are considered to justify the proposal. The appellant and Ms Margaret Delaney spoke at the hearing to confirm a number of the personal circumstances set out in the written submissions. I will address such matters in turn.

28. Firstly, it was confirmed that both Mr Cash and Ms Delaney suffer from a condition that affects their breathing, with the latter requiring the daily use of specialist equipment to counteract the effects of that condition. This is relevant to the determination of the proposal because, as I have already noted, the dismissal of the appeal would be likely to result in the eviction from the site and the need to relocate to a roadside, without the readily accessible supply of electricity that is necessary to operate the aforementioned specialist equipment. I am not aware of any efforts made in terms of gaining access to a portable electricity generator. Nevertheless, the matter is clearly of significant importance, not least because a roadside existence using a portable generator would inevitably bring with it uncertainty and a serious threat to human health.

29. Moreover, it is clear from the written evidence submitted at the hearing that one of the proposed beneficiaries of the proposal has become increasingly distressed at the prospect of being evicted from the site, with eviction likely to result in serious health implications. Indeed, the extent of the mental health concerns involve severe bouts of depression and psychotic symptoms with suicidal tendencies, all of which have been corroborated by a local GP and Consultant Psychiatrist at Wrexham Maelor Hospital. Moreover, such letters confirm that a roadside existence could potentially make it difficult to gain access to the necessary medication, without which there is a very real and genuine risk to human health. Such evidence remains undisputed and is, therefore, worthy of significant weight in the planning balance.

30. I am informed that Margaret Delaney, the appellant's sister, had separated from her husband after the previous planning appeal although they are currently attempting to reconcile their differences. I have been advised that he has serious heart and mental health problems, although such matters remain uncorroborated by medical records. Margaret Delaney's son Johnny, his wife and their two year old son also live on the site, along with her other children, including Tom who is aged 14 and therefore of school age. It is also notable that Johnny suffers from significant health problems that are documented within the written evidence.

31. Notwithstanding such matters, and despite being estranged for a number of years, Mr Cash and Ms Ann Berry are both currently residing on the appeal site, as well as the latter's father who has been described as critically ill and cared for by Ms Berry. Mr Cash and Ms Berry's twin sons, aged 10, are now also residing on the appeal site. Within this context, it is important to note that the presence of children is a critical

factor in the determination of such proposals. Indeed, it has been established in recent case law that the best interests of the children is a primary consideration for all decision makers. In fact, it has been established that no other factor should inherently carry greater weight in the decision making process.

32. In this case, the best interests of the children clearly coincide with those of the adults. One of the twins suffers from ADHD, whilst the other is partially deaf. However, I have been advised that the dependent children are largely settled in local schools. In this respect, whilst I acknowledge the fact that many children successfully move schools when their parents move home, it is common ground that accessing education from no fixed address, or from a series of unauthorised sites, can be problematic. Indeed, given the consequences of the appeal being dismissed, it is likely that the continuity and stability of the children's education, along with their general well-being, would be compromised, not least because of the potential for in-combination effects with the aforementioned health problems associated with other family members. In this respect, it is clear that the best interests of the children would be for them to remain on the appeal site where access to education and healthcare, along with their general welfare, would be relatively uncompromised.

33. As such, having critically analysed the evidence submitted in relation to personal circumstances, I have not found any reason to seriously doubt the extent to which the circumstances have been portrayed, particularly in relation to the health issues corroborated by medical records. Indeed, it is clear that the implications could potentially be life threatening and, as such, I consider that they should attract substantial weight. I have also fully considered the best interests of the children which are of primary importance. Within this context, I consider the personal circumstances advanced to be compelling.

Other Matters

34. Various concerns have been raised by interested parties that do not fit neatly under the main issues identified above, including those relating to flood risk, highway safety and noise and disturbance emanating from the site. Nevertheless, concerns relating to flood risk appear to be anecdotal, with no substantiated evidence submitted to indicate that the proposal fails to meet national policy set out in PPW or Technical Advice Note 15: *Development and Flood Risk* (TAN15). Meanwhile, I have not seen anything to persuade me to disagree with the conclusions reached by the Inspector dealing with the 2014 enforcement appeal in relation to highway safety. Moreover, whilst representations have referred to matters relating to levels of noise and disturbance, such matters remain largely unsubstantiated by evidence and beyond the control of the planning system. Nevertheless, statutory provisions exist which can adequately deal with such matters outside of planning processes.

The Planning Balance

35. Based on the foregoing, I have found that the proposal would cause material harm to the character and appearance of the area. It would also represent inappropriate development within the 'Green Barrier' and fail to maintain the openness of the site. These are matters which I have awarded substantial weight.

36. Nevertheless, in favour of the proposal I note the substantial level of need for Gypsy and Traveller sites within the County Borough that has not been addressed for a number of years. Moreover, the fact that the need has not been satisfied by identified sites means that the local authority has failed the statutory duty afforded under

section 103 of the Housing (Wales) Act. Indeed, such failure is epitomised by the very fact that it is highly likely that the proposed occupants of the site would be resigned to a roadside existence should the appeal be dismissed.

37. The other considerations in favour of this appeal relate primarily to the personal circumstances of the proposed occupants. In this respect, it is clear that a refusal of planning permission and the impending eviction from the site would clearly result in an interference with the proposed occupants' right to respect for private and family life and for the home, and to the peaceful enjoyment of their possessions, as enshrined in Article 8 and Article 1 of Protocol 1 of the European Convention on Human Rights. Whilst I acknowledge that these are qualified rights, and should therefore be balanced against the public interest which is, in this case, the protection of the countryside and 'Green Barrier' from inappropriate development, I consider that the harm identified would be clearly outweighed by the aforementioned package of personal circumstances and the lack of suitable, available and affordable alternative sites. Indeed, based on the balance of the evidence available, I consider such matters to amount to very exceptional circumstances that clearly outweigh the harm identified.

38. Accordingly, I find that the refusal of planning permission would have an excessive and disproportionate effect on the interest of the identified persons. In coming to this conclusion, I have had regard to the United Nations Convention on the Rights of the Child and recent case law which has determined that the best interest of the children is a primary consideration. In this case, the best interests of the children clearly coincide with those of the adults. Indeed, it would be in their best interests to remain on the site so that access to education and healthcare, as well as their general welfare, would not be compromised.

39. It is within this context, that I have considered the possibility of granting temporary planning permission. However, a definitive date for the adoption of the LDP has not been advanced and, given the uncertainty associated with such a process, it remains unclear when there would be a material change in circumstance that would justify such a temporary solution. Nevertheless, given that I have already concluded that very exceptional circumstances exist, I do not consider that a temporary planning permission would be an appropriate course of action in this case. Notwithstanding this, given the personal circumstances that weigh heavily in favour of the scheme, I have already indicated that any grant of planning permission should be tied specifically to those persons to which the set of personal circumstances relate and, in this respect, a suitably worded planning condition could be imposed to ensure that, when the land ceases to be occupied by those persons, the use shall cease and the land restored to its condition before the development took place.

40. Some concerns have been raised in relation to the fact that allowing this appeal would set a precedent for future Gypsy and Traveller cases within 'Green Barrier' or other such designations. However, for the avoidance of any doubt, the success of this case has been based on the unique set of circumstances that have been demonstrated. Indeed, I have determined this proposal on its own particular merits and it is on this basis that this scheme has been differentiated from the previously unsuccessful schemes. Moreover, for the avoidance of any doubt, any future schemes should also be treated on their own particular merits.

Conclusion

41. Based on the foregoing, I conclude that the integrated package of personal circumstances advanced in favour of the development, coupled with the current under

provision of Gypsy and Traveller sites within the area and lack of an imminent solution to the problem, amount to very exceptional circumstances that clearly outweigh the harm that has been identified to the character and appearance of the area and the 'Green Barrier'. For these reasons, and having considered all matters raised, I consider that the appeal should be allowed subject to the planning conditions set out in the attached schedule.

Richard E. Jenkins

INSPECTOR

Schedule of Conditions:

42. I have considered the suggested conditions and, having had regard to the advice in Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management* (October 2014), and that set out in WG Circular 30/2007, have adjusted their wording in the interest of clarity and precision.

43. As set out above, it is necessary to impose a condition restricting the use of the site to those persons identified. Condition No.2 is also necessary to ensure that the land is restored to its original permission should the land cease to be occupied by those persons. Condition No.3 is necessary to ensure that the former state of the land is clarified in order to agree the status of any subsequent restoration. Condition No.4 is necessary to ensure compliance with the approved drawings, whilst Condition No.5 is necessary to ensure that the number of structures on site is reflective of that proposed at the time of the grant of planning permission. Condition Nos.6 and 7 are necessary in the interests of visual amenity, highway safety and the living conditions of neighbouring occupiers. Details of parking will be controlled via Condition No.8 to ensure pedestrian and highway safety. Condition Nos. 9 and 10 relate to the proposed landscaping and are necessary in the interests of safeguarding the character and appearance of the wider area.

    1) The occupation of the site shall only be by the following and their resident dependents: *Andy Cash; Ann Berry; Margaret Delaney; Mary Delaney; and Jonny Delaney*.

    2) When the land ceases to be occupied by those named in condition No.1, the use shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

    3) Within 3 months, a scheme of details shall be submitted to and approved by the Local Planning Authority to specify the condition of the land before any works first took place to implement the use, and also details of the period within which the restoration works shall be undertaken. The restoration works shall be carried out in accordance with the approved details and within the timescale specified.

    4) The development shall be carried out in strict accordance with the following approved drawings: Drawing number 0:1755/A/C (rev C).

    5) Notwithstanding the chalet building, no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be located on the site at any one time and these must be located on the land in accordance with the layout plan referred in Condition No.4 above. Any caravans positioned on the site shall be capable of being lawfully moved on the public highway, without division into separate parts.

    6) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

    7) No commercial activities shall take place on the land, including the storage of materials.

    8) Within 3 months of the decision, details of parking and turning facilities within the site shall be submitted to and approved in writing by the Local Planning Authority. The area as approved for this purpose shall be strictly maintained in connection with the use.

9) The existing hedge along the boundary with Southsea Road shall be permanently retained and shall not be cut down, grubbed out or otherwise removed or topped or lopped so that the height falls below 3 metres at any point without the prior written permission of the Local Planning Authority. If any parts of the hedges are removed without permission, die or become diseased, they shall be replaced by hedges of such size and species and within a timescale all be approved in writing by the Local Planning Authority.

10) The landscaping scheme as set out in document Ref: TDA/1935/RhC/07.16 (July 2016) shall be fully implemented within 6 months of the date of this decision. Any planting becoming severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Panning Authority shall be replaced with trees or shrubs and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

APPEARANCES:

FOR THE APPELLANT:

Dr Angus Murdoch	Murdoch Planning Ltd (Agent)
Mr Crandon	
Mr Mennell	
Mr Hall	
Mr Cash	Appellant
Ms Margaret Delaney	

FOR THE LOCAL PLANNING AUTHORITY:

Mr Griffiths

Mr Williams

INTERESTED PERSONS:

Mr Derbyshire

Mr Prince

Mrs Prince

Mr Lloyd

Mr Parry

DOCUMENTS SUBMITTED AT THE HEARING:

1. Document 1 – Site Location Plan (Landscape Enhancement Measures) considered as part of the 2014 Appeal Decision with Reference 2210461

2. Document 2 – LPA Planning Committee Report for Application No. P/2011/0670

3. Document 3 – 2012 Appeal Decision with Reference 2172149

4. Document 4 – Colour copy Appellant's Landscape Statement

5. Document 5 – Welsh Government Elected Member Training on Part III Housing (Wales) Act 2014 – Submitted by Appellant

6. Document 6 – Appellant Statement