The Planning Inspectorate

Appeal Decisions

Hearing held on 13 July 2016

Site visit made on 14 July 2016

by Simon N Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 September 2016

Appeal A - Ref: APP/L3815/C/15/3136912
Land at Marsh Farm, Drove Lane, Earnley, Chichester, West Sussex

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Richard Valler against an enforcement notice issued by Chichester District Council.
- The enforcement notice, E/14/00118/CONCOU, was issued on 14 September 2015.
- The breach of planning control as alleged in the notice is without planning permission, change of use of the land to the stationing of caravans for the purposes of human habitation.
- The requirements of the notice are (i) discontinue the use of the land for the stationing of caravans for the purposes of human habitation; (ii) remove the said caravans from the land, (iii) remove the associated domestic storage sheds from the land; (iv) remove the gas bottles from the land; (v) break up the access track and remove all the resulting debris from the land.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (c) and (g) of the Town and Country Planning Act 1990 as amended.

Appeals B & C - Refs: APP/L3815/C/15/3136913 & 3137493
Land at Marsh Farm, Drove Lane, Earnley, Chichester, West Sussex

- Similar appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991, by Mrs Shirley Valler and Mr Randy Valler. They are proceeding on ground (g) only.

Decisions

Appeal A - 3136912

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the use of the land at Marsh Farm, Drove Lane, Earnley, Chichester, West Sussex, as shown on the plan attached to the notice, for stationing of caravans for the purposes of human habitation subject to the conditions in the attached Annex.

Appeals B & C – 3136913 & 3137493

2. The appeals are dismissed.

Background to the Appeals

3. Richard and Shirley Valler are ethnic gyspies who purchased Marsh Farm Barn in 1993. The barn had the benefit of planning permission for conversion to a dwelling. The Vallers moved onto the site along with their three children, living in four mobile homes. Over the years the barn was renovated and turned into a dwelling as per the planning permission. In 2006 the Council issued an enforcement notice alleging a material change of use to a mixed use of dwelling and the stationing of 2 mobile homes for the purposes of human habitation. The notice was quashed on appeal as the Vallers had been living there for more than 10 years. The lawful use of the site was thus a mixed use for a dwelling and the stationing of 2 mobile homes for the purposes of human habitation.

4. In 2012 an appeal[1] for the construction of an access was refused because it would harm the open rural appearance of the locality. In 2013 the appellants sold Marsh Farm Barn and a large part of the land around it, retaining a triangular portion of land to the north of the barn with an access track running down the western side of what was now the garden to Marsh Farm Barn to the road. Prior to the sale they had lived in four mobile homes and a touring caravan which had been spaced out around the large front garden to Marsh Farm Barn. These were now moved to the much more congested triangular site to the north.

5. In 2014 an appeal[2] was refused to extend the new caravan site to the north into part of a much larger field (called field D), as this would represent harmful encroachment into the open countryside and would harm the amenity of the occupier of nearby Marsh Farm Cottage through the potential for noise and disturbance. Following this an application was made for planning permission for the use of the northern triangular site as a caravan site for 4 gypsy pitches, this was withdrawn in August 2015 as the site boundary was inaccurately drawn.

6. In September the enforcement notice the subject of this appeal was issued. Subsequently, it appeared there was a dispute about the width of the access track, when Mr Holleran, the owner of Marsh Farm Barn claimed the track included a part of the land he owned and the Council issued a new plan showing the track narrowing roughly half way along and remaining narrow to the junction with the road. Miss Oxley, the occupier of Marsh Farm Cottage has produced a detailed map of the site, annotated with letters, which was used in the Hearing and which I have followed in the following description.

7. Drove Lane runs south from the hamlet of Earnley towards the coast. It terminates at a large holiday village and a private track runs along the northern edge of the holiday village to provide access to Marsh Farm Barn and Marsh Farm Cottage. These two dwellings, a number of agricultural buildings and the gypsy site stand adjacent to the holiday village but otherwise in the open countryside. To the west of Drove Lane, seen across a field, is Bracklesham, a settlement strung out along the seashore. In front of the houses I was informed was a large caravan park, although these were not visible due to the height of the maize in the field. To the east of Drove Lane

[1] APP/L3815/A/12/2176758 – issued 16 October 2012
[2] APP/L3815/A/13/2210044 – issued 14 April 2014

the appeal site and group of dwellings are visible across another field. This is the nearest public access to the appeal site.

8. The private lane bends to the north and runs around the eastern side of Marsh Farm Barn to provide access to field D and Marsh Farm Cottage, which lies beyond the appeal site adjacent to field D. This portion of the private lane is known as track Y-Z. The access track for the appeal site runs from the bend in the private lane along the western edge of Marsh Farm Barn. This is track A, and its width is disputed. The 2012 appeal was to construct a new track along the line of track A by moving a drainage ditch into the field to the west. Once this was refused Mr Valler sold that part of the field he owned to the holiday village, who now maintain it as an agricultural field. A line of stakes provides an agreed boundary along the western side of track A, beyond the parallel drainage ditch which would provide sufficient space for planting along the length of track A as shown in the proposed landscape plan. The area between the two tracks is occupied by Marsh Farm Barn and its garden and outbuilding, known as area B.

9. Along with the withdrawn 2015 application the appellants provided a landscape and site layout plan which showed four static mobile homes on the site. The area of occupation is annotated as A2 and A3 on Miss Oxley's plan. A3 being the north-east corner which sticks out towards Marsh Farm Cottage. This area of land is the closest part of the appeal site to Marsh Farm Cottage and during the negotiations for the eventually refused 2014 appeal to extend the caravan site onto field D, Mr Valler suggested giving up the right to station caravans on A3, in order to reduce the impact on Marsh Farm Cottage. In the 2015 application plan, one of the mobile homes is shown stationed on the southern part of A3.

10. At the Hearing the appellants provide a revised landscape plan, which showed only three mobile homes, the fourth unit on A3 had been removed and this was proposed to be a mix of open land and landscaping. Further, the appellants listed the occupants of the three mobile homes as unit 1 - Richard and Shirley Valler (aged 70 and 71), their granddaughter Sammy-Jo (21 and the daughter of Randy and Michelle) and her daughter Dakota-Blue (18 months); unit 2 – Randy and Michelle (44 and 47, Randy is Richard and Shirley's son); and unit 3 Darren and Karen Valler (Darren is Richard and Shirley's son), Darren Valler Jr and his daughter Isabella (2) and Dean (26, Darren and Karen's other son). It was proposed the ground (a) appeal should be considered on that basis. I agree this would not cause any injustice to any of the parties involved and the Council were also content.

The Appeal on Ground (c)

11. The lawful use of the original 2007 enforcement notice site, which comprises track A, caravan site A2 and A3 and Marsh Farm Barn on B, is a "mixed or dual use for the purposes of a dwellinghouse and for the stationing of 2 mobile homes for the purposes of human habitation". The current situation is that Marsh Farm Barn with a substantial curtilage at B has been separated from the rest of the site. It is clearly fenced off by 2m fencing along its western and northern boundaries from A, A2 and A3. The remainder of the site forms the current enforcement notice site (A, A2 and A3) and is a distinctly separate unit, comprising the access track and caravan site to the north. As a matter of fact and degree there has clearly been a subdivision of the original single planning

unit into two planning units. One containing Marsh Farm Barn and one the caravan site with its access.

12. The appellants argued that the Council described the appeal site as having a lawful use as a caravan site in the committee report which originally recommended the 2015 application for 4 mobile homes be approved. In this report the officer clearly thought the lawful mixed use of the whole original site still applied to both the new planning units. I agree that this does seem to be the thinking of the Council officer at that time, nevertheless he or she was mistaken, possibly because it does not seem any thought was given at that time to whether or not a new planning unit had been created.

13. Nevertheless, the creation of a new planning unit does not automatically mean there has been a material change of use. However, in this case, the stationing of four (or three) mobile homes, in the small triangle of land to the north, has significant planning considerations for the amenity of the occupier of Marsh Farm Cottage, and for the character and appearance of the area. Previously the mobile homes were spread across the much larger site and so had a significantly different impact on the character and appearance and on the Marsh Farm Cottage. The Council also argue that the mobile homes are so close together they would not be eligible for caravan site licence. In my view therefore there has clearly been a material change of use. The original lawful mixed use remains on the Marsh Farm Barn planning unit, but a new use for the stationing of 4 caravans for human habitation has been created on the enforcement notice site. Consequently, the appeal on ground (c) that there has not been a breach of planning control is bound to fail.

The Appeal on Ground (a)

14. The main issues are whether the appellants are gypsies; the policy position and whether there is a shortfall of sites; the impact of the site on the countryside and on the amenities of neighbours; and the personal circumstances of the appellants.

Gypsy status

15. The Council's argument was two-fold, firstly that there was a new definition of gypsies in Planning Policy for Traveller Sites (PPfTS). The removal of the word "permanently" from the definition in the Annex 1 Glossary meant that Richard and Shirley Valler, who by their own admission no longer travelled due to age and ill-health had clearly ceased to travel permanently and not temporarily. They therefore fell outside the definition of gypsies. Secondly, despite the various assertions made on the behalf of the appellants, there was no actual evidence that any of the family had travelled for economic reasons for many years.

16. At the Hearing various of the proposed occupiers of the site and their relatives came to give evidence. Richard and Shirley Valler and their two sons Darren and Randy spoke, as did Claire Light, who is Shirley's sister and Darren and Kim Searle, Kim being Shirley's other sister. It was undisputed that the Vallers, Lights and Searles were all well-known local gypsy families. Darren Searle owned two sites in the area, one for himself and his family and a second, general gypsy site which had opened the previous year and was full.

17. The evidence from them all was that they travelled regularly not only to the usual gypsy horse fairs at Appleby, Wycombe and various others across the year, but also travelled for work. Typically this would be on the way to and from a fair, stopping off at towns en-route to carry out labouring jobs such as tarmacking, tree work, fascia and guttering and so on. They estimated this occupied 3-4 months every summer. They owned, or had the use of, various paddocks in the area where they kept any horses that were bought and sold at the fairs. Richard Valler, although too old to work acted as an organiser, being able to use his experience and position within the gypsy community to price up jobs and also to negotiate with other gypsy families for jobs.

18. I accept that there is no documentary evidence to support these statements, but the Council had no contrary evidence of their own, and so I have no reason to doubt the version of events provided by the witnesses. This coupled with their undoubted ethnicity and the fact they are well known gypsy families, suggests strongly to me they are, except for Richard and Shirley Valler, gypsies as far as the definition in PPfTS is concerned.

19. Richard and Shirley Valler's status is more problematic as despite some possible trips carried out by Richard Valler, there was no suggestion he was still a regular visitor to fairs and other towns for work. It would seem that on the balance of probabilities they have effectively ceased travelling permanently. Dr Murdoch suggested the new definition was contrary to both their human rights and the Public Sector Eqality Duty as it implied that gypsies were the only group in society who were not allowed to retire, but had to perpetually travel in order to remain gypsies. He pointed out there were two judicial reviews of the new definition which would undoubtedly be found unlawful. However, whatever the outcome of any reviews in the future the definition is at the moment Government policy and should be given weight accordingly. Consequently, I do not consider Richard and Shirley Valler are gypsies in accord with the definition in PPfTS. I shall deal with any possible ramifications of this finding later.

The Policy Position

20. It was accepted at the hearing that the Chichester District local plan was adopted in 2015 and is the up to date plan for the area. Policy 36 deals with gypsy sites and lists 6 criteria they should meet. Three of those were in dispute at this appeal, that the site should be well related to existing settlements with local services and facilities, offering good access to local services; have a safe vehicular access; and provide an acceptable level of amenity for the proposed residents and not have an unacceptable impact on residential amenity of neighbouring dwellings.

21. The Development Plan Document for gypsy sites (DPD) is currently on hold. The time table drawn up in 2015 envisaged pre-consultation, cabinet approval and statutory consultation to have been completed by now, with submission to the Secretary of State in September. In fact no stages of the DPD have yet been begun as the Council are revisiting their Gypsy and Traveller Accommodation Assessment (GTAA) following the change in definition of gypsies in the PPfTS.

22. The Council accept there is an unmet need for gypsy sites and they have no five year supply. The Council's position is that currently they have a shortfall of 4 sites, the appellants argued it was 10. The larger figure was taken from a

recent Green Lane Piggeries appeal decision[3] which found there was a shortfall of 14, and since then 4 pitches have been allowed on appeal[4], leaving a shortfall of 10. However the figures in the Green Lane Piggeries appeal decision include 6 pitches from another appeal decision which need to be found. The parties could not explain where this figure came from, but it neatly explains the difference between 4 and 10. Whatever the actual figure, the Inspector in the Green Lane Piggeries decision also noted there was a current waiting list of 22 for sites in the District and 19 caravans on unauthorised pitches at the last traveller count, plus a further two unauthorised encampments known to the parties at that appeal. He concluded the Council's figures were a significant underestimate and there was a "limited but significant unmet need for traveller pitch provision".

23. The Council were able to show they have been actively granting planning permissions for gypsy sites where suitable proposal come forward and have made efforts to tackle the backlog, however, it still remains as noted by the previous Inspector. The appellants pointed out that as the DPD process had stalled, unmet need could only be met from windfall sites and Marsh Farm was one such site. I agree that there have been no changes since the previous Inspector's conclusion and despite the efforts of the Council, there is still an unmet need and no plan to deal with it. This is a matter of substantial weight.

Impact of the site on the Countryside and on Neighbours Amenities

24. As described above the site lies in open countryside, but close to a large holiday caravan park. It is also viewed in the context of Marsh Farm Barn, which is a substantial building in its own right, two agricultural buildings and Marsh Farm Cottage. The caravans do not seem to be isolated and are very much smaller in scale than the surrounding buildings; consequently the impact on the countryside is limited.

25. I was taken to the only public viewpoint of the site, along Drove Road, where the site is seen across a field. The gable end of one mobile home is visible, and it is possible that when the mobile homes are re-organised as shown on the latest landscape plan, a second could be glimpsed. These views are distant and seen against the backdrop of the larger buildings around. Given the proximity of the substantial holiday park glimpses of mobile homes are not unusual in the immediate vicinity and I consider this distant view would have only a limited impact on the character and appearance of the area.

26. The site is already well screened by landscaping, and further planting is proposed. The gap in the hedge alongside track A, through which the view of the site is obtained, can be closed by extra planting, thus removing the view of mobile homes altogether. The 2014 appeal found the extension of the caravan site into field D would be an incursion into open countryside that would make further expansion into field D hard to resist. However, that is not the case with the current appeal. With the proposed extra planting there would be little or no harm to the countryside.

27. Ms Oxley of Marsh Farm Cottage was the main objector, although Mr Halloran from Marsh Farm Barn had also sent in written objections. There was some dispute as to what Mr Halloran had been led to believe would be the future

[3] APP/L3815/C/15/3070020 etc, Hearing held 9 February 2016, issued 21 April 2016
[4] APP/L3815/W/15/3005107, issued 12 April 2016

position when he purchased Marsh Farm Barn, but whatever was said, it must have been obvious there was the strong likelihood he was going to be living next door to a gypsy site. In the event, Mr Halloran has since died following a tragic accident. I spoke to his widow on site and she had no objection to the Vallers occupying the site, but did not want it to be a general gypsy site.

28. The appeal site is directly behind Marsh Farm Barn, but screened from the garden area by the dwelling itself and its associated outbuilding and there is no reason why the use of the site for three mobile homes would harm the amenity of the occupiers of Marsh Farm Barn, in particular because the proximity of mobile homes to the dwelling has been the lawful and accepted position for many years. I note in the 2014 appeal, although Marsh Farm Barn had already been sold and the mobile homes crowded together north of the barn, there was no concern for the amenity of the occupier of Marsh Farm Barn at that time, the decision dealt solely with the impact on Marsh Farm Cottage.

29. Turning to Marsh Farm Cottage, the Inspector in 2014 found the stationing of caravans on field D would harm the amenity of the occupier of Marsh Farm Cottage because of noise and disturbance. Ms Oxley makes the point that the nearest caravan in that appeal was further from Marsh Farm Cottage than the nearest caravan in this appeal. If there would have been harm in 2014, it is logical there would be more harm now. I am not sure that this is accurate. It seems the nearest unit in 2014 is about the same distance as that in this appeal, before the changes agreed at the opening of the hearing. Now it is clear the nearest mobile home would be further away than in the 2014 appeal. However, these distances are fairly marginal and it is worth seeing exactly what the 2014 Inspector said. At paragraph 23 he says "*Although any noise or disturbance from the positioning of the new static units would only be likely to be the normal level of activity arising from residential development I consider the residents of Marsh Farm Cottage have a reasonable expectation that they should not suffer any such associated noise, disturbance or loss of outlook because this site is an agricultural field in the open countryside outside any settlement boundary*". It is clear he found the only reason the noise and disturbance would be harmful was because it was coming from what ought to have been an open field and it was this change that was unacceptable. The actual noise and disturbance would be a "normal level of activity". In the current appeal the mobile homes are further away and do not intrude on Marsh Farm Cottage or the open countryside as was proposed in 2014, while extra landscaping is proposed on A3, the nearest part of the site to Marsh Farm Cottage. Ms Oxley also mentioned the burning on rubbish on field D, and I saw evidence of this on the site visit. However, this can be controlled by the imposition of a condition. Consequently, there should be no harm to the amenity of the occupier of Marsh Farm Cottage.

Personal Circumstances

30. It was not disputed that Richard Valler had health issues that prevented him from travelling, hence his decision to retire. There would also be two children on the site, Dakota-Blue and Isabella, both of whom attend the local nursery and will go on to the local primary school in due course, as did their parents.

31. The Council pointed out they had created this position themselves by selling Marsh Farm Barn, but regardless of whether they were poorly advised or not, the situation is as it is today. The only alternative is to go back onto the road,

as it is clear there are no vacancies on sites elsewhere in the area. Mr Searle, who owns a gypsy caravan site, reported that it had been full from the day it opened, and he gets requests for a pitch on the site on a daily basis. Given the findings in the Green Lane Piggeries appeal I have no reason to doubt there are no viable alternatives for the family.

Other Matters

32. Two of the relevant criteria from Policy 36 listed above have not yet been dealt with, location close to local facilities and provision of an access. When the application for 4 caravans was made and withdrawn in 2015 the officer's report to committee was that the site was not well related to an existing settlement, but that "it is also not so divorced from the nearby settlements to mean that the needs of future occupiers could not be met locally". A second report to committee oddly came to the opposite conclusion. PPfTS has no specific sustainability requirements in terms of location and I was shown various recent appeal decisions, one in this District, which found that locations 2 -5km from nearby settlements were not locationally unsustainable for gypsy sites. The site is within 3km by road from East Wittering with shops and services so I consider it also to be not locationally unsustainable.

33. I saw on the site visit that an acceptable width for access track A has been fenced off from Marsh Farm Barn and allows adequate access to the site, but it would seem the track might well take up some part of land that belongs to Marsh Farm Barn. However, on site Mrs Halloran confirmed she was happy with the track, and was not going to dispute the ownership of the land. On that basis there is no reason to suppose an adequate access cannot be maintained along track A.

34. There was some dispute about the right to use track Y-Z which also provides access to Marsh Farm Cottage. It was agreed the Vallers had a right to use the track for access to field D, but Ms Oxley and the Parish Council argued this was a right for agricultural traffic only and to access field D only. However I was shown the land registry deeds for the transfer of the land from the original owner, a local farmer. These contained an item stating the property was transferred with a "right of way at all times and for all purposes" along what is now known as track Y-Z. This seems unequivocal to me, and would allow access for any vehicles along that track and I can see no reason why they should not come off that track at any point onto their land. However, this track does not form part of the enforcement notice site and as access track A is adequate, the rights to use track Y-Z are not important for this appeal.

35. The Council originally argued that the mobile homes were so close together they would not be acceptable for a caravan site licence. They accepted the revised landscaping scheme would probably be acceptable on that point.

36. The revised landscaping plan shows only room on site for the three mobile homes. I was informed that the Vallers touring caravans would be stored at Mr Pearce's site. No amenity blocks were proposed and they were happy for the permission to be restricted to single unit mobile homes, due to the constraints of the site. Because of the size of the site and it relation to both Marsh Farm Barn and Marsh Farm Cottage, it is clear these restrictions are essential. Given that, the appellants suggested that any permission should be personal as the site would not be suitable as a general gypsy site.

Conclusions

37. Ordinarily this site would not be acceptable for a general residential caravan site as it would be subject to the usual constraints for housing in the countryside and it is the gypsy status of the majority of the occupiers that is important in my conclusions. I have also borne in mind the Council's failure to provide a 5 year supply of sites, the current shortfall and the lack of any alternative sites.

38. In my view the site meets the criteria of policy 36. With some landscaping it would not harm the character and appearance of the area, and with various controls on siting, landscaping, touring vans and numbers and positioning of mobile-homes there should be no adverse impact on residential amenity. I therefore find the site to be acceptable for the revised proposed use. However, because of the various restrictions that are needed to make the site acceptable I agree it would not be suitable as a general gypsy site. The nature of the occupation by Vallers is important to the success of the appeal, therefore a personal permission is necessary.

39. I shall allow appeal A and quash the notice, granting permission for stationing of caravans for the purposes of human habitation subject to the conditions discussed below. I do not therefore need to consider the appeals on ground (g) and to avoid confusion shall dismiss the remaining appeals B and C.

Conditions

40. It was agreed that a personal condition was necessary, listing the occupiers of each mobile home. However I also consider that it is necessary to restrict the site to gypsies. The Vallers' status as gypsies has been important in determining the outcome of the appeal. Should the younger members of the family decide to settle down and cease to be gypsies, however that is defined, then their continued occupation of the site would need to be considered against the same criteria used for the rest of the settled, non-gypsy population. I realise that the although the majority of the occupiers of the site are gypsies as defined in PPfTS, Richard and Shirley Valler are not. They are however gypsies in terms of their human rights and the Public Sector Equality Duty. Given they have ceased to travel permanently for reasons of age and ill-health I consider to prevent them from occupying the site, while the rest of their family does so would not achieve any planning objectives. It would therefore be a disproportionate interference with their human rights. I shall therefore specifically exclude them from the gypsy-only condition.

41. It was also agreed there should be only 3 mobile homes on the site and they should be restricted to single unit size and there should be no other touring caravans. Because the revised landscaping scheme was illustrative a detailed site layout scheme is needed, and this should include the proposed landscaping particularly for the visible gap on the western side of the site and the extra landscaping for that part of the site known as A3.

42. Floor levels need to be agreed at no less than 4.1m above ordinance datum for prevention of flooding reasons. Standard conditions restricting commercial activities and heavy lorries are required as are those for restricting boundary fencing, walls, buildings and hardstanding. A condition is needed to confirm foul water disposal and on-site rubbish and recycling.

43. In addition a condition was agreed to prevent bonfires on the site and on field D, which is land in the appellants' control. It was also agreed that a condition to deal with storage of fuel was not required.

Simon Hand

Inspector

Conditions Annex

1) The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants: Richard and Shirley Valler; Sammy-Jo Valler; Randy and Michelle Valler; Darren and Karren Valler; Darren Valler Jr and Dean Valler.

2) When the land ceases to be occupied by those named in condition 1 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/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) With the exception of Richard and Shirley Valler, 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).

4) No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended shall be stationed on the site at any time. None of the caravans shall be larger than a single unit mobile home.

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

6) No commercial activities shall take place on the land, including storage of materials unless that activity or storage is incidental to the use of the site for residential purposes.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure or areas of hardstanding other than those shown on the approved site development scheme shall be erected on the site.

8) Floor levels of the caravans hereby permitted shall be no less than 4.1m above the ordinance datum.

9) There shall be no bonfires on the site or on the field adjacent to the northern boundary of the site and western boundary of Marsh Farm Cottage known as field D which was subject to the 2014 appeal decision referred to above.

10) 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 30 days of the date of failure to meet any one of the requirements set out in i) to iv) below:

    i) Within 3 months of the date of this decision the following schemes shall have been submitted for the written approval of the local planning authority: (a) a site development scheme, which shall include details of the positioning of the 3 caravans, of any proposed boundary treatments; areas of hardstanding/parking; any proposed external lighting; details of the proposed access; the proposed

landscaping of the site, in particular that proposed on the western boundary of the site to screen the caravans from view and that proposed on the part of the site closest to Marsh Farm Cottage; such landscaping proposals shall include a requirement for their maintenance and replacement for 5 years: (b) a scheme showing the proposed means of foul water disposal including all necessary on-site and off-site works: (c) a scheme showing the proposed rubbish and recycling facilities. All the schemes shall include a timetable for their implementation.

ii) If within 6 months of the date of this decision the local planning authority refuse to approve any of the schemes 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 schemes shall have been approved by the Secretary of State.

iv) The approved schemes shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved schemes specified in this condition, those schemes shall thereafter remain in use.

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

APPEARANCES

FOR THE APPELLANT:

Dr Angus Murdoch	Agent
Rhodri Crandon	Landscape expert
Darren Valler	
Randy Valler	
Richard Valler	
Shirley Valler	
Claire Light	
Darren Searle	
Kim Searle	

FOR THE LOCAL PLANNING AUTHORITY:

Reg Hawks	Chichester DC
Shona Archer	Chichester DC

INTERESTED PERSONS:

Ms Sandy Oxley	Neighbour
Keith Martin	Parish Council
Chris Charter	Parish Council

DOCUMENTS

1 Revised landscaping scheme
2 Revised enforcement notice plan
3 Current position on provision of gypsy sites – Council
4 Lettered plan provided by Ms Oxley
5 Appeal decisions provided by the appellants
6 Plan from 2012 appeal decision showing the proposed track A
7 Land registry document showing entitlement to use track Y-Z
8 Plan from 2014 appeal decision showing extension into field D