The Planning Inspectorate

Appeal Decisions

Inquiry Held on 28 March 2023, 5-7 September 2023 and 8 December 2023
Site visits made on 29 March 2023 and 7 September 2023

by R Merrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2024

Appeal A: APP/C3430/C/20/3262819
Land at Rose Meadow Farm, Wolverhampton Road, Prestwood, Stourbridge DY7 5AJ

- 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 Billy Joe Timmins against an enforcement notice issued by South Staffordshire Council.
- The enforcement notice was issued on 13 October 2020.
- The breaches of planning control alleged in the notice are (i) failure to comply with condition No 3 of a planning permission Ref 12/00789/FUL, granted by way of an appeal decision Ref APP/C3430/A/13/2205793, on 17 August 2015 and (ii) "Unauthorised Operational Development has taken place consisting of the erection of a raised children's playground area, (shaded green) to the immediate south of the area of development, together with the erection of six 'street lights', (shaded yellow), to both north and south of the development plot."
- The development to which the permission relates is the use of land for the stationing of caravans for residential purposes for 2 gypsy pitches, together with the formation of additional hard standing and utility/dayrooms ancillary to that use. The condition in question is No 3 which states that: "When the land ceases to be occupied by Anthony and Brooke Timmins and their children and Crystal Flute and her partner and their children, or at the end of the specified 4 years, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought onto the land in connection with the use, including the dayrooms hereby approved, shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to, and approved in writing by, the local planning authority. The scheme of work for the restoration of the site shall be approved prior to the first occupation of the site." The notice alleges that the condition has not been complied with in that at the end of the specified 4 years, as at 17th August 2019, the use has not ceased and all materials and equipment brought on to the Land in connection with the use, including the dayrooms hereby approved have not been removed from Land and the Land restored to its former condition in accordance with a scheme approved in writing by the local planning authority.
- The requirements of the notice are: i) Permanently cease the use of the Land outlined in red on the attached plan, for the siting of caravans and utility days rooms; ii) Permanently cease the use of the Land outlined in red on the attached plan, for residential use; iii) To ensure the cessation of the unauthorised use of the Land outlined in red on the attached plan, permanently remove the caravans, utility days rooms and all materials and equipment brought on to the Land in connection with that use; iv) Permanently remove the unauthorised operational development consisting of the raised children's playground (shaded green), 'street lights', (shaded yellow) and all materials associated with the unauthorised operational development from the Land outlined in red on the attached plan; v) Restore the Land in accordance with the

scheme of restoration attached to this notice reference 11-426-011 with the removal of all hardstanding in the area hatched red on the restoration scheme reference 11-426-011 and restore the Land to agricultural use.
- The period for compliance with the requirements is twelve months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B: APP/C3430/W/20/3262816
Land at Rose Meadow Farm, Wolverhampton Road, Prestwood, Stourbridge DY7 5AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Billy Joe Timmins against South Staffordshire Council.
- The application Ref 20/00275/VAR is dated 01 April 2020.
- The application sought planning permission for the use of land for the stationing of caravans for residential purposes for 2 gypsy pitches, together with the formation of additional hard standing and utility/dayrooms ancillary to that use without complying with conditions 2 and 3 attached to planning permission Ref APP/C3430/A/13/2205793, dated 17 August 2015.
- The conditions in dispute are Nos 2 and 3 which state that: 2. "The use hereby permitted shall be carried on only by Anthony and Brooke Timmins and their children and Crystal Flute and her partner and their children, and shall be for a limited period being the period of 4 years from the date of this permission, or the period during which the land is occupied by them whichever is the shorter"; 3. "When the land ceases to be occupied by Anthony and Brooke Timmins and their children and Crystal Flute and her partner and their children, or at the end of the specified 4 years, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought onto the land in connection with the use, including the dayrooms hereby approved, shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to, and approved in writing by, the local planning authority. The scheme of work for the restoration of the site shall be approved prior to the first occupation of the site."
- The reasons given for the conditions are 2. Because the justification for planning permission being granted was based on it being for a temporary period only and because of the personal circumstances of the site occupiers; 3. The land needs to be restored to its former condition, once condition 2, could no longer be complied with.

Summary of decision: The time limit of the temporary planning permission has expired and therefore no further action is taken in relation to this appeal.

Preliminary Matters

Whether Appeal B is validly made?

1. Appeal B concerns a temporary and personal planning permission that was granted on appeal for, amongst other things, the residential use of the land for two gypsy pitches. The Council's case is that the appeal made, in relation to the application for development subject to Appeal B, is invalid because the

aforementioned temporary permission had expired by the time that application was made[1].

2. It is noted in relevant case law[2] that the Act is silent as to what happens at the expiry of a temporary planning permission, but since s72(1)(b) provides for the imposition of a time limit and restoration condition, and a planning permission granted subject to such a condition is a planning permission for a limited period, it is implicit that the condition circumscribes the entire authorisation of the use. It appears to me that the condition survives only for the purposes of enforcement action. There is nothing in the legislation or case law which suggests it is possible to determine an application made pursuant to s.73 once the time limit of the permission has expired and only the time limit and restoration condition(s) exist.

3. Section 73A of the Act enables the grant of permission for development already carried out. S.73A(2)(b) is specifically drafted to ensure that development which has been carried out in accordance with planning permission granted for a limited period is "development" for the purposes of the grant of permission in accordance with s.73A. Permission can be granted under s.73A on an application made to an LPA. This includes an application made pursuant to s.62 of the Act (i.e. a full planning application). This is the appropriate application to submit where full consideration of the planning merits is required to determine whether permission should be granted. Having considered the circumstances of this case it seems to me that full consideration of the planning merits of the case is required because the previous permission was authorised on a temporary and personal basis due to the exceptional circumstances existing at the time.

4. To determine whether a continuation of the development is permissible it is necessary to consider the current planning circumstances, including the development plan, national policy and any other material considerations. This requires full consideration of the planning merits of the development.

5. The current use of the site is unauthorised, the time limit of the previous temporary planning permission having expired. Accordingly, I find that the application, made pursuant to s.73, is invalid and the Appeal B cannot proceed. I therefore take no further action in relation to Appeal B.

6. The appellant relies on case law to support the point that an application made under s.73 of the Act may be treated as one under s.73A[3]. However, in that case permission had been sought for development without complying with a condition subject to which planning permission was granted; not, as in the present case, where planning permission had been granted for a limited period. The case law in question does not therefore lead me to a different conclusion.

7. The appellant has referred me to an appeal decision in relation to which the relevant Inspector stated that he was not persuaded that the appellant had no legal right to apply for permission, without compliance with a condition, even though that application was made after the expiry of the temporary period[4]. However, I note that the Inspector had the benefit of Counsel's opinion which

[1] Condition 2 granted planning permission on 17 August 2015 for a temporary period of 4 years.
[2] *Avon Estates Ltd v the Welsh Ministers & Ceredigion CC [2011] EWCA Civ 553.*
[3] *Lawson Builders Ltd v SSCLG [2015] EWCA Civ 122*.
[4] Appeal refs APP/L2820/C/20/3262337 & APP/L2820/W/20/3262332.

is not before me in this case. Therefore, the conclusion reached in that case, also leads me not to alter my above findings.

The significance of the actual developed area in relation to the area covered by the temporary permission?

8. The notice alleges a breach of condition and the construction of unauthorised operational development. With regard to the breach of condition, the parties do not dispute that the permission to which it relates covers a somewhat smaller area compared to that which has been developed on the ground. Specifically, in practice part of one of the mobile homes and adjacent hardstanding area extends further to the west.

9. The question is whether the extended area is caught by the breach of condition element of the notice. The Council's position is that this development is part and parcel of the development subject to the temporary permission and so properly falls within the scope of the notice.

10. However, in this regard I concur with the appellant that the additional area of development, though adjoining that previously permitted, is sufficiently significant in scale to have resulted in a separate material change of use of the land in its own right. Accordingly, the notice fails to 'bite' on this extended area. The deemed planning application, the subject of the ground (a) appeal, insofar as it relates to the use of the site, therefore corresponds to the area that was the subject of the temporary planning permission; and insofar as it relates to the operational developments targeted, as they have been developed on the site. The analysis of the ground (a) related issues is therefore made in this context. I am satisfied that it would be possible to correct the notice requirements and plan to reflect this position, without causing injustice to the main parties.

The Oath

11. Evidence to the Inquiry was given on oath.

The National Planning Policy Framework

12. A revised version of this document was published on 19 December 2023. The parties were given the opportunity to comment on the significance to this case of any revisions therein.

Other Preliminary Matters

13. The appellants presented drawing 11_426B-015Rev P01 on the final day of the Inquiry. The Council objected to its acceptance, insofar as it purports to show accurately surveyed tree root protection areas, because it had not had the opportunity to verify the position at such short notice. The Council was, however, content with the drawing insofar as it depicted the proposed restoration area, that being the additional area of development outside the scope of the 2015 planning permission, as referred to above. I have sympathy with the Council's reservations and accept the drawing only on the basis of it depicting the proposed restoration area.

Appeal A on ground (b)

14. The appeal on ground (b) is that the breach alleged in the notice has not occurred as a matter of fact. Specifically the appellant's case is that the alleged breach of condition is over an expansive area that is not the area of the planning permission containing condition 3, and as such the breach cannot have occurred over land where the condition does not operate; secondly that the alleged operational development in the form of the children's playground and potentially the 'street lights' are incorrectly marked on the plan.

15. It is undisputed that the notice plan covers a more extensive area than that which was the subject of the temporary permission. However, it seems to me the key point is that the plan includes the area where the condition operates, even if the area has been drawn more extensively than it needed to be in this regard. Other than this the appellant does not say that there has not been a breach of the condition as a matter of fact.

16. With regard to the alleged operational development, the appellant's case is that it has been identified in the wrong place on the notice plan, not that it has not occurred at all, or that it is not within the red line depicted on the notice plan. From all the evidence before me, I am in no doubt that it is understood by the appellant that the notice seeks to target unauthorised operational development comprising the specified playground and 'street lights'.

17. That the operational development extends beyond the area over which the breach of condition could have occurred is immaterial. They are identified as two distinct breaches of planning control, with the deemed planning application in this case applying to both elements. I agree with the appellant that the position of the alleged unauthorised operational development (playground and northern line of lights) has been incorrectly identified on the notice. Indeed this has been accepted by the Council. However, I am firmly of the view that if the position of these features were to be corrected on the plan, what is being alleged cannot be said to surprise or disadvantage the appellant on the basis of any previous uncertainty or ambiguity over what the notice was attacking.

18. In relation to both breaches the appellant has had the opportunity to argue their case fully as part of the appeal proceedings. I am not persuaded that there is injustice in this regard. The ground (b) appeal fails.

Appeal A on ground (a)

Main Issues

19. The ground (a) appeal is that planning permission should be granted. The main issues are:

- Whether the development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
- The effect of the development on the openness of the Green Belt and the purposes of including land within the Green Belt;
- The effect of the development on the character and appearance of the area;
- The effect of the development on a veteran tree;

- The effect of the development on highway safety;
- The need for Gypsy and Traveller sites;
- The personal circumstances of the appellant;
- The question of intentional unauthorised development;
- If the development is inappropriate, whether the harm to the Green Belt by way of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt

20. Paragraph 142 of the Framework sets out that the essential characteristics of Green Belts are their openness and their permanence. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 143 notes that the Green Belt has five purposes which include safeguarding the countryside from encroachment; checking the unrestricted sprawl of large built-up areas and preventing neighbouring towns from merging into one another. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

21. There is no dispute between the parties that the residential use proposed and the various operational development would amount to inappropriate development. Indeed, with regard to the use, the Government's Planning Policy for Traveller Sites 2015 (PPTS) expressly states that such sites in the Green Belt are inappropriate development.

Openness and Green Belt Purposes

22. The assessment of impact on openness is about considering the presence of the development in the context of national policy which seeks to keep Green Belt land permanently open, thus avoiding urban sprawl. This specific assessment is not about the quality of the development, including the suitability of materials used, in itself, or its effect on the character and appearance of the area.

23. The Court of Appeal has confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect[5]. The various caravans (two statics and two touring), buildings and paraphernalia and structures, targeted by the notice, would take up space which was previously free from development.

24. Aside from taking up space, however, it was apparent that because of the site's setting within dense mature woodland surroundings, visual receptors of that occupied space outside the site itself are very limited. In terms of receptors in the public domain, these are where the A449 road crosses the River Stour to the north east of the site, and further south along the same road, closer to the site entrance. Whilst the north elevations of the mobile homes would be seen from these vantages points, the views comprise fleeting glimpses between gaps

[5] *Turner v SSCLG & East Dorset Council [2016].*

in the highway boundary hedgerow. I do accept that existing lighting arrangements on the site may serve to draw further attention to these structures during hours of darkness. However, it seems to me that the impact of external site lighting could be mitigated by giving consideration to the control of any light spillage, through the imposition of an appropriate planning condition.

25. Similarly views into the site along the access road leading to it would be momentary. Given that by far the predominant receptor of these aforementioned views would be passing motorists, I consider that any perception of visual harm to the openness of the Green Belt would be very minor indeed.

26. Furthermore, from the A449 road, visibility of the play equipment, the southern most line of 'street lights' and a majority of the hardstanding would be screened by the two mobile homes. It seems to me that the visual impact of the northern line of lights would be substantially assimilated against, and therefore even less than that of, the mobile homes. I acknowledge that visibility of the two mobile homes may be increased a little as a result of seasonal leaf fall, however it seems to me that views would remain heavily filtered such that any additional material harm would be unlikely to arise.

27. I also viewed the site, both from part of the grounds, and within one of the rooms, on the eastern side of the Prestwood House Care Home, situated a relatively short distance to the west of the appeal site. From here it was apparent the site is substantially screened by dense vegetation. I have also had regard to a photograph of the outlook, taken within the same room during the winter, whilst also being mindful of the effects of external lighting on the site. Whilst the appeal site development, including the playground equipment, is visible to a degree at this time, due to seasonal leaf fall, visibility remains heavily filtered, and when also taking into consideration the small number of recipients of this view, albeit that such persons may be present in the room for long periods, I am not persuaded that the visual harm to openness is significant.

28. Drawing these considerations together, whilst the development would result in spatial harm, I am not persuaded that it causes any more than limited harm to the openness of the Green Belt, or in terms of encroachment into the countryside. Furthermore, in terms of the other Green Belt purposes, when considering the relatively limited scale of development in this case, the argument that the development is at odds with policies seeking to check the unrestricted sprawl of large built-up areas and preventing neighbouring towns merging into one another is simply not compelling. I draw this conclusion, whilst considering the site not to be so far from the settlement of Stourton to the south, that it may be regarded as 'away from' existing settlements in the context of the PPTS.

29. Policy H6 of the South Staffordshire Core Strategy 2012 (CS) seeks to ensure that Gypsy and Traveller sites in the Green Belt do not have a "demonstrably harmful" impact on openness. I concur with the findings of the previous Inspector that this term is not defined but intended to convey a significant loss of openness, rather than the more limited loss that would result in the present case. Accordingly, I do not find conflict with Policy H6.

Character and Appearance

30. The appeal site occupies a valley location alongside the River Stour. Despite the presence of the busy A449 road, and sporadic buildings, this is essentially a countryside position in which dense mature woodland predominates the immediate setting of the site. However, whilst the amount of nearby built development is limited, it is also not so far removed from the site to give the impression that this is an isolated spot.

31. I have set out above where I consider the key visual receptors for the development to be located. For the reasons set out above the visibility of the site is generally well concealed from the public domain. From where the site is visible the two mobile homes would appear as relatively squat structures against a backdrop of mature woodland. The site is away from and at lower ground level in relation to the adjacent main road, and the mobile homes are finished with a mock natural stone cladding, which serves to soften their appearance. Adherence to the previously approved site boundaries would serve to reduce the apparent scale of residential development, with the possibility of retaining a similar external appearance.

32. For most drivers passing through the area, it seems to me that the development is unlikely to attract attention away from the route of the A449 road. I have set out above that the site would be visible from the Prestwood House Care Home during the winter months. However, the fact that it would appear heavily filtered by woodland planting ensures that the development does not appear incongruous or obtrusive. I am not persuaded that the position and operation of the 'street lights' and playground, when considering the limited scale of development involved, is sufficient to harm landscape character and appearance.

33. I am also mindful that it would be possible to impose a planning condition requiring additional tree planting. I concur with the previous Inspector that this would enable the site to be satisfactorily integrated with its surroundings.

34. Drawing these considerations together I am not persuaded that the development, by its presence, results in a sense of urbanisation or harm to the character and appearance of the landscape. Accordingly in this respect the development would be compliant with Policies EQ4, EQ11 and H6 of the CS insofar as they seek to protect the intrinsic rural character and local distinctiveness.

Impact on Veteran Tree

35. The Council raises the concern that the development, including the mobile homes and hardstanding, are close to, and within the root protection area (RPA) of, a protected veteran Oak tree[6]. The Council says that this is detrimental to the health of the tree, which is showing signs of deterioration including dead wood in the crown, and may result in its early death.

36. The Council has referred to statutory guidance regarding the protection of veteran trees[7]. This notes that veteran trees are recognised for their

[6] Tree Preservation Order number 75/1985.
[7] Ancient woodland, ancient trees and veteran trees: advice for making planning decisions – Natural England and Forestry Commission January 2022.

exceptional biodiversity, cultural and heritage value and that development can result in loss or deterioration of a tree through damage to roots and because of soil compaction. It is undisputed that the statutory guidance indicates a minimum RPA of some 30 metres should be applied to the tree; also that there would be encroachment within the RPA, irrespective of whether considering the as-built development or the physical limitations to development dictated by the previously approved site area.

37. The appellant however considers that the appropriate time for assessing impact on the tree was when the original planning application and appeal was under consideration, and accordingly that the material change of use previously lawfully undertaken is highly material to the assessment of the issue. However, for the reasons set out above, I find it is possible to give full consideration to the planning merits of the case, including the well-being of the tree.

38. The development, both as built and in terms of the nature and area approved in 2015 by the previous grant of temporary planning permission (as covered by the present appeal), encroaches on the RPA of the tree, as defined by statutory guidance. No evidence has been provided to persuade me that the alleged harm has not occurred and is not continuing to occur. Whilst Policy EQ4 of the CS does not go so far as to require veteran trees to be safeguarded in all circumstances, it does seek their protection unless removal is deemed necessary. I do not deem removal of the tree to be necessary and thus I find conflict with Policy EQ4 in this specific regard. Furthermore, the Framework states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exits. I therefore consider this matter further in the planning balance section of the decision below.

Highway Safety

39. The site is accessed from the A449 road, a busy north-south route, subject to a 50mph speed limit in the vicinity of the site. The issue between the appellant and the Rule 6 Party (R6 Party) is the extent to which the requisite standard of visibility, that should be available to drivers emerging from the site, is obstructed (or could be potentially obstructed) such that there is a risk to highway safety. The Council raises no objection on highway safety grounds.

40. Visibility splays are expressed in terms of *x* and *y* distances, where *x* is the distance back from the carriageway 'give way' line on the minor arm (or access) and *y* is the distance that a driver can see to the left and right along the main road.

41. Guidance on appropriate design standards for roads is to be found in Manual for Streets (MfS), Manual for Streets 2 (MfS2) and the Design Manual for Roads and Bridges (DMRB). In strict terms the MfS relates only to lightly trafficked situations where speeds do not exceed 37mph. Similarly though, the DMRB standards are higher than MfS, as they have been specifically developed for the Strategic Road Network and should not necessarily be strictly applied to situations away from motorways and trunk roads.

42. It is not therefore the case that the circumstances of the appeal site, accessed from a 50mph A-road in a rural location should obviously be subject to the guidance in one or the other of the DMRB or the MfS. However, I am mindful of the statement within MfS2 that "most MfS advice can be applied to a highway regardless of speed limit. It is therefore recommended that as a starting point for any scheme affecting non-trunk roads, designers should start with MfS"[8]

43. The R6 Party has undertaken a survey of traffic speed passing the site. Its case, having regard to the results of this survey[9], and in accordance with guidance in the DMRB and MfS2, is that an *x* distance of 2.4 metres and *y* distances of 178 metres to the south and 157 metres to the north are minimum requirements.

44. The R6 Party also relies on a topographic survey depicting physical features, including walls and hedges, which it considers constitute the boundary between the highway and third-party land. This survey, it says, demonstrates that the requisite splay cannot be guaranteed because it necessarily encroaches on land in third party ownership.

45. By contrast the appellant's case is based on the theoretical design speed of 85kph (52.8mph) for this type of road (DMRB), and evidence of the way the access works in practice, rather than a specific survey of actual traffic speeds. Furthermore, whilst acknowledging that a 2.4m *x* distance is the ideal, the appellant relies on guidance in MfS2 which it says allows standards to be relaxed in certain circumstances. It says that an *x* distance of 2m and *y* distance of 160 metres both to the north and south would be deliverable and acceptable in this case, when taking guidance in MfS2 and DMRB into account, and that this can be achieved through trimming back highway boundary vegetation.

46. The appellant also criticises the R6 Party's traffic speed survey for reasons including that its timing coincided with a school holiday period when there would have been less traffic using the road, therefore raising average vehicle speeds, and that it underestimates vehicle deceleration rates.

47. Notwithstanding the survey timing, the vehicle speeds identified exceed by only a relatively small margin the design speed used to inform the 160 metre *y* distance (having regard to DMRB guidance). Accordingly, I do not consider this provides a compelling reason for insisting that the *y* distance should be significantly greater than this. Moreover, I am mindful that based on the County Council's own highway guidance, which remains extant, even though it pre-dates MfS2, it would be appropriate to allow for a higher vehicle deceleration rate than was used to inform the R6 Party case[10]. The R6 Party accepts that applying this modification to the formula set out in MfS2, for the determination of stopping sight distances, reduces the *y* distances to 118m northbound and 112m southbound. Furthermore, it seems to me that site specific circumstances are of key importance.

48. From the evidence before me the precise location of the highway boundary cannot be definitively established. I have considered the R6 Party evidence

[8] Paragraph 1.3.2.
[9] 85th percentile speeds of 53.4mph (85.9kph) northbound and 53.3mph (85.8kph) southbound were found.
[10] 0.45g as opposed to 0.25g (the latter standard allowing for the scenario of a snow-covered road).

that the alignment of an historic brick wall and post and rail fence (no longer present) to the south of the site access, and conifer hedge to the front of the neighbouring residential property to the north, both constitute boundary features with the highway[11]. However, I am also mindful the previous Inspector found, at the time, having regard to expert advice, that boundary fencing on both sides of the access probably encroached on the highway verge. Accordingly, I am not persuaded by the R6 Party evidence in respect of the position of post and rail fencing coinciding with the definitive highway boundary.

49. On this basis, and from my observations during the site visit, I concur with the parties that the *x* distance of 2.4 metres does not appear to be obtainable, as visibility for emerging drivers (at least towards the south) would potentially remain obstructed by features on third party land.

50. However, by contrast, from the evidence submitted, and my site observations, I consider that visibility in excess of the modified *y* distance to the north would be achievable, if the *x* distance were reduced to 2 metres. In addition, I am not persuaded, on the balance of probability, that a 2 metre set back would mean that visibility in excess of the aforementioned modified *y* distance to the south could not be achieved.

51. These findings are subject to any vegetation encroaching within the highway being trimmed back. In saying this I am mindful that it is within the remit of the Highway Authority to remove features, such as overhanging vegetation, that encroach within the highway boundary to the detriment of safety.

52. A 2 metre *x* distance would necessitate some types of vehicle projecting into the highway to a degree. However, even if drivers seeking to egress the junction were to rely to a degree on edging forward in the vehicle and leaning forward to improve visibility further, then this would not be inherently unsafe. Such compensatory actions are recognised within MfS2, at para. 10.5.8, as potentially appropriate in "some slow-speed situations".

53. In this context, whilst I am not persuaded that this is a slow-speed situation, it appeared to me that forward visibility along the A449 road towards the site entrance was to a high standard in both directions. This means that drivers approaching the junction from both directions would be aware in good time of a vehicle emerging from or edging out of the site access road, and would have sufficient time to slow down gradually or, taking into account the generous width of the road, manoeuvre around it safely. I am also mindful that MfS2 at para. 10.5.9 states that "…unless there is evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem."; also at para 10.4.2 that there is no evidence that failure to provide visibility at priority junctions in accordance with recommended standards will cause increased risk of injury collisions.

54. I have also had regard to the conclusion drawn by the Inspector in relation to the previous appeal at this site that satisfactory visibility was likely to be achievable on the balance of probability; that the relatively small scale of development means associated traffic movements are unlikely to be high in this case and that the Highway Authority has raised no objection. Furthermore,

[11] Determined in consultation with an unidentified County Council officer.

notwithstanding the views of the R6 Party, the fact that there has not been a record of a personal injury accident having occurred in connection with the junction over the relatively lengthy period since the development took place in 2019 (whilst also having regard to the likely tempering effect on traffic movements of the Covid 19 pandemic) is highly significant in my view.

55. I conclude that the development does not result in harm to highway safety. Accordingly, it does not conflict with Policy H6 of the CS insofar as it seeks to ensure that sites can be safely accessed by vehicles, or with the Framework which seeks to avoid unacceptable impacts on highway safety.

Need for Gypsy and Traveller Sites

56. Paragraph 7(b) of the PPTS states that local planning authorities should prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the lifespan of the development plan. The Council's most recent Gypsy and Traveller Accommodation Assessment (GTAA) was produced in August 2021. This identified a requirement over the period 2021-38 for those households that meet the definition of Gypsies and Travellers in Annex 1 of the PPTS[12], of some 121 pitches. This figure includes 72 pitches in the initial 5 years 2021-25.

57. The recent change to the definition, cited above, followed in the wake of a Court of Appeal judgment[13]. The thrust of this judgment is that the previous PPTS definition was unlawfully discriminatory against Gypsies and Travellers who have ceased to travel permanently on grounds of age or disability. It indicated that such persons should be included in any assessment of need for site provision, thus potentially increasing the overall level of need.

58. The GTAA identifies a need of some 24 pitches for those Gypsies and Travellers not meeting the previous PPTS definition (17 of which are within years 2021 – 2025). Therefore the effect of including, in the assessment of need for sites in the District, Gypsies and Travellers known not to fall within the previous PPTS definition and who thus might previously have been excluded from consideration in the context of PPTS policies, is to significantly increase the requirement for sites. Although the appellant considers that the GTAA underestimates the true level of need for pitches, the Council at least agrees with the appellant that there is an immediate unmet need for sites[14].

59. The PPTS states that local planning authorities should identify, and update annually, a 5-year supply of specific deliverable sites against their locally set targets. The Council confirmed by way of written evidence[15] and at the Inquiry that since publication of the GTAA in 2021, planning permission has been granted for seven pitches[16]. It said in its closing submissions that a further 15 pitches identified within its Site Allocations Document (2018) are yet to gain planning permission.

60. The Council said at the Inquiry that it does not anticipate adopting its emerging Local Plan before the winter of 2025 / 26. It confirmed that, whilst it was hoping for more, a total of 37 pitches had so far been allocated in its emerging

[12] From 19 December 2023 the definition has reverted to that adopted in the 2012 version of the document.
[13] *Lisa Smith v SSLUHC & Ors [2022] EWCA Civ 1391.*
[14] The Council and appellant agree that this equates to some 42 pitches.
[15] See P Turner final proof of evidence, para 5.9.
[16] Including 4no. pitches at Fair Haven.

allocation document. When also taking into account the relatively small number of permissions, as identified above, it is clear that at present the potential supply of sites falls significantly short of the level of need identified, and it is uncertain whether the identified level of need will be met at all. Having regard to the previous Inspector's appeal decision, it seems to me the shortfall in site provision is worse now than when the temporary planning permission was granted in 2015.

61. The Council does not dispute that it is unable to demonstrate a five-year supply of deliverable sites. Furthermore a suitable and available alternative site for the two families currently occupying the appeal site cannot be identified by the Council at this time.

62. I note that when temporary planning permission was previously granted for the development, the Inspector found there to be a shortfall in the supply of sites, and no guarantee that immediate need would be fully addressed through the development plan process. In this context, the present evidence is indicative of an ongoing failure to meet national policy requirements for the delivery of sites against targets.

63. In addition it is undisputed that a large proportion of land in the District, some 80 per cent, lies within the Green Belt. It therefore seems to me likely that there will need to be reliance to a degree on the Green Belt in any event for the provision of pitches going forward.

64. I accept that the level of harm may vary between different Green Belt sites and acknowledge the Council refers to selecting sites where such harm would be less. However, I have found in this case the degree of visual impact on the openness of the Green Belt to be limited[17]. In this context it is significant that there is no evidence to persuade me that Green Belt harm arising from the appeal site would be greater than from any other site that may be allocated. All of these factors weigh positively in favour of the development.

Personal Circumstances

65. Article 8 of the Human Rights Act 1998 states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial. Article 8(2) provides that interference may be justified where it is in the interests of, amongst other things, the economic well-being of the country, which has been held to include the protection of the environment and upholding planning policies. I am also mindful that Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children.

66. Furthermore in exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations. The Act recognises that race constitutes a relevant protected

[17] In contrast, for example, to the Squirrels Rest case – Appeal ref APP/C3430/W/21/3282975.

characteristic for the purposes of PSED. Romany Gypsies and Irish Travellers are ethnic minorities and thus have the protected characteristic of race.

67. The site is subdivided into two pitches, occupied by the appellant, his brother and their respective families. Their ethnic status as Romany Gypsies is undisputed; nor that the brothers work together in the building trade and travel to find work. The appellant explained at the Inquiry, and within other representations provided, that between the households there are several children under the age of 18 present. It is also undisputed that his own children are attending a nearby school and that their grandparents live not very far away from the site.

68. It seems to me that if the appeal is not successful, in the absence of an alternative site, the appellants are at risk of being made homeless. There can be no doubt that if the appeal was unsuccessful, it would take away the secure living environment of a settled base for these households, who may potentially need to resort to living on the roadside, which would very likely mean disruption to the children's educational provision as a result. I am mindful that it may be difficult to enrol children in school and /or maintain the children's attendance if they have no fixed address.

69. In the context of the PSED I therefore find that to uphold the notice would be detrimental to the aims of advancing equality of opportunity and fostering good relations between persons with protected characteristics and persons without such characteristics. I also consider that the removal of a secure and settled base is likely to be harmful to the potential for play and interaction and therefore social development of those children; also the ability of the families to live together as a group, where they are able to provide support to one another in furtherance of the Gypsy way of life.

70. The appellants' personal circumstances therefore weigh in favour of the development.

Intentional Unauthorised development

71. The case against the appellant in this regard is that he was aware that he was not included within the list of persons to whom occupation of the site was restricted, by virtue of the planning condition. Furthermore, the appellant conceded as much at the Inquiry.

72. Because the enforcement notice alleges a breach of condition, which would not fall within the definition of development, the appellant says that this element of the alleged breach of planning control cannot constitute intentional unauthorised development. However, it is clear that the unauthorised occupation of the site was intentional and, in the context of a time limited planning permission where that time limit has now elapsed, is in my judgment consistent with what national policy seeks to resist.

73. The appellant's evidence was that he previously shared a pitch, relatively nearby with other family members, but wanted to move to live alongside his brother; his previously vacated pitch is no longer available. However, in the context of the substantial need for pitches in the District, I consider this significantly mitigates the impact of the appellant's decision to move to the

appeal site, it being likely that if not the appellant somebody else would have sought to occupy his pitch there.

74. I am also mindful that the Act makes provision for a grant of retrospective planning permission, including the imposition of planning conditions, and planning enforcement that is remedial rather than punitive. A ground (a) appeal was made, the scope of which included development for which planning permission had previously been granted, albeit temporarily. In light of these considerations, whilst also taking into account the relatively limited scale of the operational development subject to the notice, I attach only very limited weight to the intentional unauthorised nature of the development. The R6 Party has referred in its closing submissions to a decision where the Inspector gave moderate adverse weight to intentional unauthorised development[18]. However I have limited information regarding that case, and am not persuaded that the circumstances that prevailed there should lead me to judge the present appeal in the same way.

Other Matters

Access covenant

75. There is no dispute that the appellant enjoys a right of way to the site on foot.

76. The R6 Party raises the concern however, that a covenant is in place which restricts vehicular access to the site to farm vehicles only. Accordingly, it says that vehicular access to the site by the appellant and other site occupiers for residential purposes is unlawful.

77. In terms of the lawfulness of gaining access to the site in a vehicle, it is not within my remit to determine whether such rights exist, or can be secured, for the appellant. That would be a matter for another tribunal. It seems to me however that I am required to consider whether there is at least a realistic prospect of such rights existing. I have had regard to Planning Practice Guidance in relation to factors that can be considered when assessing housing land availability. This refers to there being confidence of no legal impediments to development.

78. In my judgment the term 'farm vehicles' is a vague description. It might reasonably be argued to encompass large agricultural vehicles, but could also reasonably include smaller cars and trucks that are also 'farm vehicles' simply because of their association with the farm. If such smaller vehicles are not excluded from using the access, then I am not persuaded that a logical reason exists to exclude vehicular access to a car or truck owned by the present site occupiers.

79. Therefore, whilst not definitive, I cannot rule out a realistic prospect of a private vehicular right of way to the site being made available to the site occupiers. Accordingly, although the definitive position regarding lawful vehicular access for the benefit of the appellant remains inconclusive, for the above reasons I am not persuaded that a legal impediment exists that cannot be overcome, and I do not consider that this should count against the appellant's case in this appeal.

[18] Appeal Ref APP/C3430/C/22/3303085.

80. For the above reasons I am not persuaded that enforcement of the covenant, and as such the need to park at an alternative location, would be a likely outcome. However should this occur, the subsequent likelihood of parking on the A449, would in my view be very low because of the risk to the appellant's personal safety and damage to his vehicles from collisions.

81. Reference was made to the use of land on the opposite site of the A449 to the appeal site, which apparently is in the appellant's control and utilised for stables, for parking associated with the appeal site should the covenant be enforced. It was the R6 Party's case that this would be harmful to highway and pedestrian safety due to the regular need to cross the road between sites, and for this reason would also not be in the best interests of the children. However, I concur with the R6 Party that this would be likely to require a separate planning permission. Accordingly, it is a matter likely to be in the Council's control and if a planning application in this regard were not to be successful, on highway safety grounds, I am not persuaded that such an outcome would be conducive to the ongoing residential use of the appeal site in any event, such that the occupation of the site would continue.

82. Ultimately, I conclude that the access covenant issue would be unlikely, on the balance of probability, to result in a highway safety problem. This matter does not therefore attract adverse weight.

Green Belt balance

83. National planning policy attaches great importance to Green Belts. Therefore, when considering any planning application substantial weight should be given to any harm to the Green Belt. The appeal proposal is inappropriate development in the Green Belt. In addition, the residential use and associated paraphernalia, and alleged operational developments, cause a loss of openness and harm to one of the purposes of including land in the Green Belt, namely to assist in safeguarding the countryside from encroachment, albeit I consider harm to openness to be limited in visual terms.

84. I have found that the development, as a whole, poses a threat to the health and long-term survival of the nearby protected veteran Oak tree. It would therefore be necessary to demonstrate that wholly exceptional reasons exist, along with a suitable compensation strategy, to justify the development in order to avoid conflict with Framework policy. I am in no doubt this test presents a high bar to overcome.

85. However, in the context of unmet need for sites, uncertainty as to whether and when that need might be addressed and the lack of an alternative base for the present occupiers they would be faced with losing their homes and the likelihood of an uncertain roadside existence. The development would make a contribution, albeit limited, to reducing the Council's need. Furthermore, a successful deemed application would allow for the restoration of land, nearest to the subject tree, on which part of the development, including hardstanding currently sits. In addition, whilst the Council's evidence is that the early death of the tree is possible, it does not go so far as to say this is inevitable.

86. I am mindful that the play equipment and lighting help to facilitate the justifiable residential use of the site and, in the case of the play equipment, the social development and interaction of the children. Furthermore the

playground area, in itself, covers a relatively small fraction of the overall RPA buffer zone and is undisputed to be outside the maximum RPA set by the advice in the British Standard[19]. Similarly, when considering the collective surface area occupied by the lighting columns (not all of which are within the RPA of the tree in any event) is very small, and associated ground intrusion works are likely to be very limited, I am not persuaded the columns would, in themselves, result in any significant damage to the tree.

87. In view of these factors I consider the first part of the aforementioned test is met. Sufficient land is available to allow for compensatory planting, with a planning condition acting as a suitable strategy to achieve this, and accordingly the development is not in conflict with this specific Framework policy. The Council has referred to case studies where impact on protected trees was a reason for refusal of planning permission[20]. However, it seems to me that the circumstances of those cases are distinguishable from the present appeal.

88. The threat to the veteran tree nevertheless remains a factor which, having regard to case law[21], attracts great adverse weight, in its own right, in the overall planning balance. For the reasons set out above the intentional unauthorised nature of the development attracts only very limited weight in this case.

89. I have found that the presence of the development, in itself, would not result in harm to the character and appearance of the area or to highway safety. This 'absence of harm' is neutral in the planning balance and does not weigh in favour of the appeal.

90. There are other considerations which support the appeal. I have had regard to advice in the PPTS when considering sites in Green Belt locations. This indicates that in such locations the absence of an up to date 5-year supply of deliverable sites should not amount to the significant material consideration it may otherwise do in a less strictly controlled area, when considering applications for the grant of temporary planning permission. It also states that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

91. However, an unlikely scenario is distinguishable from one that may never occur. Indeed, it seems to me that the Council's undisputed significant and immediate unmet need for pitches (without taking into account need that is likely to exist over a broader geographical area), as manifested in the lack of available alternative sites and the lack of five-year land supply should be a matter that collectively attracts substantial weight.

92. In addition I give moderate weight to the likelihood that when Gypsy and Traveller sites are allocated, a significant proportion of pitches will be located within the Green Belt in any event. I also attach significant weight to the site occupiers' personal circumstances, when considering, in particular, the benefits of a settled base for the various children present on the site. All of this leads

[19] BS 5837:2012 Trees in relation to design, demolition and construction sets a capped radius RPA at 15 metres, and is thus more flexible than statutory guidance in this regard. The parties did not dispute an annotated aerial photograph submitted at the Inquiry, which showed the playground to be outside the 15m RPA contour.
[20] Planning for Ancient Woodland – Planners' Manual for Ancient Woodland and Veteran Trees – July 2019.
[21] *Shadwell Estates Ltd. V Breckland DC [2013] EWHC 12 (admin).*

me to conclude that such an exception to the probable position, as set out in the PPTS, would be justified in this case.

93. I have balanced the harm to the Green Belt and any other harm, against the other considerations referred to above. Having regard to the PPTS, I find that they clearly outweigh the harm identified. However, I only find this to be the case when taking into consideration the weight that I have afforded the site occupiers' personal circumstances. It therefore seems to me that a personal planning permission would be most appropriate in this case, but I discount that this should only be for a temporary period, given my doubt as to when the level of need for sites will be satisfied.

94. For the avoidance of doubt the Council's apparent policy failure to address the need for sites over many years, including a lack of assurance as to when the position might be addressed, also weighs in favour of the development but does not alter the conclusions already made above, in the overall balance.

95. The very special circumstances necessary to justify the development have therefore been demonstrated. Consequently, the proposal accords with the strategy for the protection of Green Belt land, as set out in the Framework. In this context I do not find conflict with Policy GB1 of the CS which seeks to protect the Green Belt in accordance with national policy. Policy GB1 refers to changes of use of land normally being permitted where there would be no material effect on the openness of the Green Belt, or fulfilment of its purposes. Whilst I did find a material effect on openness and encroachment in this case, albeit limited, the policy does not specifically resist development in such circumstances, whilst also deferring to national planning policy. I do not therefore find Policy GB1 to be inconsistent with national policy in this regard.

Conclusion

96. Therefore, despite the proposal conflicting with the development plan, material considerations indicate that a decision should be taken otherwise than in accordance with the plan. For the reasons given above, I conclude that Appeal A succeeds on ground (a) and the enforcement notice should be quashed. I shall grant planning permission on the application deemed to have been made i) for the change of use previously permitted and ii) for the operational development, as described in the notice as corrected, subject to the conditions as set out below.

97. The Council has referred to appeal decisions in relation to sites elsewhere in South Staffordshire[22]. However, I have only limited information in relation to those cases, and in any event the decisions pre-date the most recent GTAA and therefore assessment of need for sites. In respect of a more recent unsuccessful appeal, the Inspector in that case attached greater adverse weight to Green Belt harm than I have found necessary in this case as well as considerable weight to landscape harm[23]. The outcome of these appeals do not therefore indicate that I should not grant planning permission. Nor am I persuaded that the circumstances and reasoning in *Sykes*[24] should lead me to a different conclusion than the one I have drawn in this case, with each case needing to be considered on its individual merits.

[22] Appeal refs APP/C3430/A/13/2210160 & APP/C3430/W/18/3201530.
[23] Appeal ref APP/C3430/C/21/3274332 and others.
[24] *Sykes v SSHCLG & Runnymede BC* [2020] EWHC 112 (Admin).

98. The appeal on grounds (f) and (g) do not fall to be considered.

Conditions

99. The permission is personal and accordingly a condition restricting occupation to the appellant, his brother and their respective partners and resident dependants is necessary. A condition requiring the restoration of the site when occupation ceases is required in the interests of helping to safeguard the Green Belt and the protected veteran tree. A 'plans' condition will be imposed in the interests of clarity.

100. A condition limiting the number of pitches and caravans stationed is needed in order to protect the character and appearance of the area. Conditions preventing commercial activity on the site and restricting the number of commercial vehicles is required in the interests of helping to safeguard the character and appearance of the area and the living conditions of residents.

101. A condition confirming the loss of the permission unless details are submitted for approval (including a timetable for implementation) concerning the site layout, external appearance of the static caravans and utility / dayrooms, boundary treatments, external lighting arrangements, soft landscaping works, including their replacement, if necessary, and restoration of the extended area is required in order to help safeguard the character and appearance of the area and the living conditions of the site occupiers and nearby residents.

102. The form of this condition is imposed to ensure that the required details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matters before the development takes place. The condition will ensure that the development can be enforced against if the required details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

Formal Decision

103. It is directed that the enforcement notice is corrected by the substitution of the plan attached to this decision for the plan, denoted as the "Red Line Plan" attached to the enforcement notice.

104. Subject to this correction, 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 1990 Act as amended for the development already carried out, namely i) the use of land for the stationing of caravans for residential purposes for 2 gypsy pitches, together with the formation of additional hardstanding and utility / dayrooms ancillary to that use and ii) erection of a raised children's playground area (shaded green) to the immediate south of the area of development, together with the erection of six 'street lights', (shaded yellow), to both north and south of the development plot at Land at Rose Meadow Farm, Wolverhampton Road, Prestwood,

Stourbridge DY7 5AJ as shown on the plan attached to the notice and subject to the conditions in the schedule below.

R Merrett

INSPECTOR

The Planning Inspectorate

Plan

This is the plan referred to in my decision dated:16 February 2024

by R Merrett Bsc(Hons) DipTP MRTPI

Land at Rose Meadow Farm, Wolverhampton Road, Prestwood, Stourbridge DY7 5AJ

Reference: APP/C3430/C/20/3262819

Scale: Not to Scale

SCHEDULE OF CONDITIONS

1) The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants:

   Pitch 1: Anthony and Brooke Timmins
   Pitch 2: Billy Joe and Laura Timmins

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 works undertaken to it in connection with the use, including the playground and 'street lights', shall be removed and the land shall be restored to its condition before the development took place.

3) There shall be no more than two pitches on the site. On each of the pitches hereby approved no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than one shall be a static caravan), shall be stationed on the pitch at any time.

4) No more than one commercial vehicle per pitch shall be kept on the site for use by the occupiers of the caravans hereby permitted and this vehicle shall not exceed 3.5 tonnes in weight.

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

6) The residential 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 and the land restored to its condition before the development took place within **28 days** of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

   (i) Within **3 months** of the date of this decision a scheme with details for:
   (a) the internal layout of the site including the extent of the residential pitches, the location of the caravans and vehicle parking, any hardstandings;
   (b) the external appearance of the static caravans and utility / dayrooms;
   (c) all boundary treatments and all other means of enclosure (including internal sub-division);
   (d) proposed and existing external lighting on the boundary of and within the site including the prevention of light spillage;
   (e) soft landscaping including existing planting, compensatory tree planting, details of species, plant sizes and proposed numbers and densities and details of a schedule of maintenance for a period of 5 years;
   (f) a scheme of restoration for the area denoted 'Restoration Area' on plan 11_426B-015 Rev P01
   (hereafter referred to as the 'site development scheme') shall have been submitted for the written approval of the local planning authority and the site development scheme shall include a timetable for its implementation.
   ii) If within **11 months** of the date of this decision the local planning authority refuse to approve the site development scheme or fail to give a

decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

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.

7) The residential use hereby permitted shall be carried out in accordance with the following approved plans: 11_426A_001; 11_426_004_A (excluding reference therein to landscaping and boundary treatments as these matters are covered by condition 6 above).

END OF SCHEDULE OF CONDITIONS

APPEARANCES

FOR THE APPELLANT: Michael Rudd

He called:

Billy-Joe Timmins	Appellant
Matthew Green	Planning Consultant
Jeremy Hurlstone	Transport Consultant

FOR THE LOCAL PLANNING AUTHORITY: Piers Riley-Smith

He called:

Mark Bray	Planning Enforcement Consultant
Steven Dores	Arboricultural Consultant
Paul Turner	Planning Consultant

FOR THE RULE 6 PARTY: Killian Garvey

He called:

Oliver Rider	Planning Consultant
John Llloyd	Transport Consultant

DOCUMENTS SUBMITTED AT THE INQUIRY:

1. Opening Statements from the Parties.
2. Extracts from Design Manual for Roads and Bridges (CD 123, GG 101 and CA 185).
3. Extract from Highways Agency document TA 22/81 -Vehicle Speed Measurement on All Purpose Roads.
4. Drawing nos. 11_426_004_A; 11_426_010; 11_426_011.
5. Land title documents – Rose Meadow Farm.
6. Appeal Decision references APP/L2820/C/20/3262337 and APP/C3430/W/21/3282975.
7. Witness statement of Billy-Joe Timmins.
8. Potential alternative enforcement notice plans A, B and C.
9. Extract from Guidelines for Landscape and Visual Impact Assessment – Third Edition- Landscape Institute and Institute of Environmental Management and Assessment.

10. Extract from PPG – What factors can be considered when assessing availability? – Paragraph 19 Reference ID 3-019-20190722.
11. Annotated Appendix 20 of Council's Statement of Case.
12. Landscape Consultation responses regarding planning application 12/00789/FUL.
13. Photograph of appeal site from Prestwood Coach House Care Home.
14. Drawing no. 11_426B-015Rev P01.

DOCUMENTS SUBMITTED FOLLOWING THE INQUIRY:

1. Closing Submissions from the Parties.