

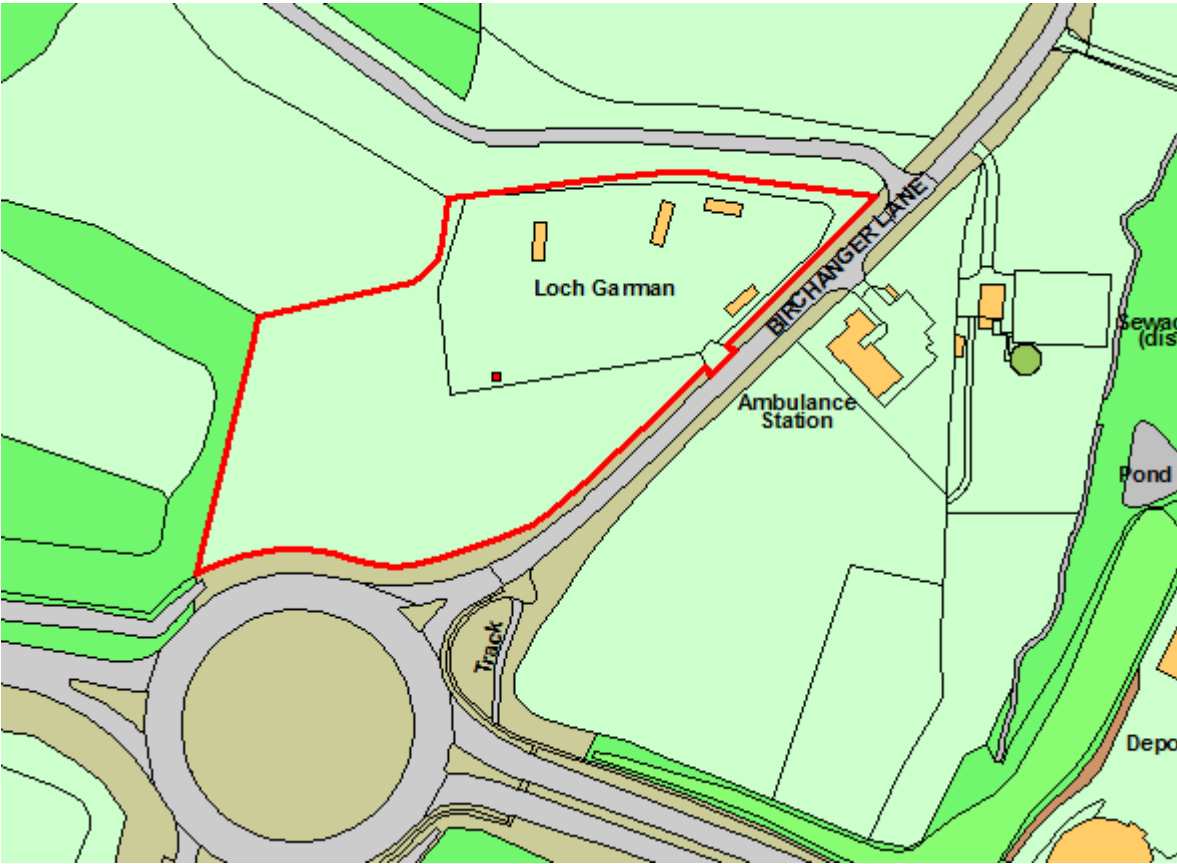
ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 7 June 2023

REFERENCE NUMBER: UTT/22/3094/FUL

LOCATION: Land to north of Birchanger Lane,
Birchanger

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 Ordnance Survey 0100018688
Organisation: Uttlesford District Council - Date: May 2023

PROPOSAL: Section 73A Retrospective application for change of use of land for the stationing of caravans and mobile homes for residential purposes and ancillary works (comprising the formation of 6 no. pitches, each comprising of 2 no. static caravans and 1 no. touring caravan)

APPLICANT: Messrs O' Connor, Connors and Delany

AGENT: Mr Peter Brownjohn – WS Planning and Architecture

EXPIRY DATE: 16 February 2023

EOT Expiry Date 14 April 2023

CASE OFFICER: Tom Gabriel

NOTATION: Outside Development Limits.
Metropolitan Green Belt
SSSI Consultation Area
Within 6km of Stansted Airport

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

- 1.1** The principle and location of the development for the change of use of the land for the stationing of caravans and mobile homes for residential purposes and ancillary works has been previously accepted by the grant of permission on appeal in October 2021 (ref. APP/C1570/C/18/3219384). There have not been any material changes to the policy framework surrounding the development or the site in the intervening period and accordingly, the principle of development remains acceptable. The harm that is caused to the openness of the Green Belt was considered to be outweighed by the personal circumstances of the occupiers of the site and further reduced by landscaping. Significant weight is given to the previous appeal decision.
- 1.2** Subject to conditions regarding the presence of contaminated land and the internal noise environment for the occupiers of the site, the development will provide a suitable living environment for the occupiers. It is not considered that the development will have a harmful impact upon residential amenity, considering the distance between the site and the nearest properties in the village of Birchanger. Similarly, the amenities of the occupiers of the nearby hotel (to the north- west of the site) and those of the adjacent ambulance station will not be unduly affected by the development.

- 1.3 The appeal found that the scheme would not have a detrimental impact on the highway. In the absence of any known material changes since the appeal decision, this is considered to remain the case.
- 1.4 The 2021 appeal decision was subject to conditions. These were not all discharged within the requisite timeframe. This application effectively seeks to regularize this position.

2. **RECOMMENDATION**

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

A) Conditions

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site comprises a field around 1.6ha in size (much of it now laid to hardstanding) with a long frontage to Birchanger Lane to the south, which leads to a roundabout which serves the A120 and the A1250. To the north, the site borders the access road to a hotel and its grounds. The village of Birchanger is to the north of the site and is separated from it by open fields. As well as the hotel, there is also an ambulance station in the immediate vicinity of the site, on the opposite side of Birchanger Lane.
- 3.2 The site is accessed from Birchanger Lane via an opening that has been formed in the boundary hedge and comprises entrance gates set well back from the lane. At the time of the Case Officer's site visit (12th May 2023), there were nine mobile homes and three touring caravans on the site, located mainly along its northern boundary. Three of the mobile homes were sited on concrete hard standings while the majority of the rest of the site was laid to gravel and crushed brick. The site is bound by hedgerow and post and rail fencing and along the eastern and part of the northern boundary of the site, the treatment comprises a 1.8m high close boarded fence.

4. **PROPOSAL**

- 4.1 The application is a Section 73A (variation of condition / minor material amendment) retrospective application for the change of use of the land for the stationing of caravans and mobiles homes for residential purposes and ancillary works (comprising the formation of six no. pitches, each comprising of two no. static caravans and one no. touring caravan)
- 4.2 The application has been submitted due to the fact that the applicants did not comply with condition 8 of the appeal permission (dated 9 October 2021). This condition states;

8. 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 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 three months of the date of this decision, submit details of

- (a) The internal layout of the site, hereafter referred to as the Site Development Scheme (SDS), which shall show a site layout confined to the area north of the existing bund on the site, the layout of the pitches, hard standings, access road, the siting of the caravans, the design and layout of a play area, amenity areas, parking and manoeuvring areas and the proposed materials to be used;
- (b) Details of foul and surface water drainage;
- (c) Details of waste disposal including collection point and storage areas;
- (d) Proposed external lighting on the boundary and within the site;
- (e) A tree, hedge and shrub supplemental planting scheme for the Birchanger Lane boundary, including details of species, plant sizes and proposed numbers and densities. Unless identified to be removed, all existing trees and hedgerows on the land shall be retained. The scheme shall set out measures for their protection throughout the course of the development. The SDS shall have been submitted for the written approval of the Local Planning Authority and shall include a timetable for its implementation.

(ii) Within 11 months of the date of this decision, the SDS should have been approved by the local planning authority or, if the Local Planning Authority refuse to approve the SDS or fail to give a decision within the prescribed period, an appeal should 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 should have been finally determined and the submitted SDS should have been approved by the Secretary of State.

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

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
UTT/22/1243/DOC	Application to discharge condition 8 (site development scheme) attached to APP/	Pending

	C1570/C/18/3219384 following enforcement notice ENF/18/0195/B	
UTT/21/3774/DOC	As above	Refused
UTT/18/0308/FUL	Change of use of land to equestrian use. Erection of stables, creation of hardstanding and erection of fencing. New vehicular gated access off Birchanger Lane	Approved

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Officers are unaware of any consultation exercise carried out by the applicant for this proposal.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Lead Local Flood Authority (ECC) – Conditions as recommended

8.1.1 Initial Response: Having reviewed the Flood Risk Assessment and the associated documents, which accompanied the planning application, we wish to issue a holding objection to the grant of planning permission based on the following;

8.1.2 Engineering drawings are required for all aspects of the drainage system including the permeable paving; Contamination testing is required when infiltration is used on 2made2 ground.

8.1.3 We also have advisory comments regarding the Essex Green Infrastructure Strategy and Environment Agency's updated peak rainfall allowances.

8.1.4 Final Response – Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions regarding the submission of a detailed surface water drainage strategy, a scheme to minimise the risk of off- site flooding caused by surface water run- off, a maintenance plan for the surface water run- off system, and keeping yearly logs of the maintenance.

9. PARISH COUNCIL COMMENTS

9.1 Objection:
Birchanger Parish Council strongly objects to the occupation of this site by residential caravans in the Metropolitan Green Belt which surrounds Birchanger. The site, close to the entrance of Birchanger village, became a temporary living area for the work force during the M11 construction phase between 1975 and 1979. It has since reverted to rural land enclosed by post and rail fencing, used predominantly for animal grazing, remaining,

as before, within the Metropolitan Green Belt. This retrospective planning application is a result of the failure to discharge Condition 8 of the appeal decision APP/C1570/C/18/3219384 dated 9th October 2021. Permission has lapsed and therefore the site is unauthorised. Birchanger Parish Council is extremely concerned that the outcome of this retrospective application is a foregone conclusion. An email from UDC Enforcement dated November 2, 2022, states “The owner of the land and their planning agent have been written to and been invited to submit a planning application to regularise the unauthorised use”. This leads Birchanger Parish Council to believe that the outcome of this retrospective application has already been determined in favour of the appellant.

The appellant has stated that circumstances have not changed therefore the Planning Inspector’s appeal decision that quashed UDC’s initial enforcement notice and granted conditional planning permission for the use of the site should remain. Birchanger Parish Council does not agree with the appellant for the following reasons:

- Birchanger is fully within the Green Belt land use designation (UDC Uttlesford Green Belt Review Annex Report 1 246505-4-05-03 Issue: 24 March 2016)
- It is an inappropriate development that has occurred through subterfuge and disregard of planning law
- The high stockade fence is extremely unattractive and makes an unwelcome appearance at the gateway to the village. It is totally out of character and inappropriate in its current location in the Metropolitan Green Belt
- The development is totally against Parish Council and District Council planning policy which is against any development within the Green Belt. This site falls entirely within the Metropolitan Green Belt
- It is not an appropriate site for young children nor adults with health issues for it is in an area bordered by busy main roads and is within the Stansted Airport air quality management area. Extensive roadworks are taking place at the A120 roundabout at the south end of Birchanger Lane, immediately adjacent to this site, and also on the M11 Junction 8. The work started early 2022 and will continue until Spring 2024. The roadworks include the removal of a roundabout and its replacement by multiple sets of traffic lights. The pollution caused by these roadworks and the on-going heavy traffic including diesel powered buses and heavy transport vehicles, particularly when idling at the traffic lights, is not conducive to good health
- It is recognised that the current roadworks are not a long-term solution to the issue of traffic in this area and the future traffic capacity will continue to be reviewed by National Highways. It is highly probable that additional roadworks on the A120 and M11 junction 8 will take place following the completion of the current roadworks

The Parish Council recommend that UDC officers and the Planning Committee visit the Travellers’ site and its surrounding location to gain a full appreciation of the situation. Birchanger Parish residents attending the

Annual Parish Meeting vote unanimously every year against any development in the Metropolitan Green Belt. The Parish Council consider the Travellers' Site to be an unnecessary development and therefore retrospective planning permission should be denied

10. CONSULTEE RESPONSES

10.1 Thames Water – No comments.

10.1.1 Having reviewed the details, we have no comments to make at this time.

10.2 Environmental Health – Conditions are recommended.

10.2.1 Although in this case the application is retrospective, the Environmental Protection Team would normally ask for a contaminated land assessment to be carried out in such developments. Due to the former use of the site, there is the potential for contaminated land to be present. A minimum of a phase 1 assessment should be carried out to identify and potential pollutant linkages. A condition is recommended.

10.2.2 With regard to Environmental Noise, the site is located next to the busy A120 which is likely to be the dominant noise source that will impact on occupiers of the development. It is important to ensure that the site would offer a good acoustic environment for the occupiers of the site. I would therefore recommend that noise assessment to see if internal values of BS8233: 2014 can be achieved, is carried out before planning permission is given. A condition is recommended.

10.2.3 With regard to construction and demolition, the development has the potential to cause noise and dust impacts on the existing surrounding residential properties. A condition regarding a construction/ demolition management plan is recommended.

10.3 BAA Aerodrome Safeguarding – No objection

10.3.1 We have no objection subject to a condition regarding there being no upward light spill.

10.4 Thames Water – No comments.

10.4.1 Having reviewed the details, we have no comments to make at this time

10.5 Birchanger Residents Association – Objection

10.5.1 The application would, if approved, result in the permanent erosion of our Green Belt which provides a separation, not only between Birchanger and Bishop's Stortford but also between Uttlesford District Council and East Herts District Council and is intended to prevent coalescence.

Comments include;

10.5.2

There are three inaccuracies in the application – the site is to the south of Birchanger Lane, not the north; the postcode is incorrect; and the site is visible from public roads and footpaths.

The application is contrary to Green Belt policy and the Planning Policy for Travellers Sites document.

It was largely on the basis of the welfare of the children that the Inspector allowed the appeal on the site but some strict conditions were applied to the permission and limited it to 13 named individuals and their dependents. The majority of the named individuals no longer reside at the site and it is therefore questionable whether significant weight can be attached to the 'best interests of the child'.

Aircraft noise is a problem with the site given its proximity to Stansted Airport, the M11 and the A120. Traffic noise and air pollution are reasons why the site is an unsuitable environment for travellers and their families.

Considerable weight should be given to the fact that the occupiers of the site have failed to comply with the conditions imposed by the Inspector, in particular that the site should be vacated and returned to its pre-development state by 6th October 2022. However, the Council appear not to have attached any weight to this aspect of the Inspector's report as, while another Enforcement Notice would likely be challenged, there is no guarantee that an Inspector would reach the same decision.

Looking at the Transport Assessment (TA) for UTT/22/3094/FUL, it's 4½ years out of date and a great deal has changed since September 2018. There is now a different site layout and there is no longer a roundabout at the junction between the A120 and Birchanger Lane. The 60mph speed limit at that part of the A120 has now changed and there is now (or soon will be) a cycle lane from Birchanger Lane to the A120. The TA also shows completely the wrong postcode for the site, more than a mile from the actual site location. The September 2018 TA is not, therefore, a reliable evidence base and needs to be updated, including the accident statistics.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and 286 notifications letters were sent to nearby properties. The planning application was also advertised in the local press.

11.2 **Support**

11.2.1 Comments raised include:

- The potential harm to the Green Belt by this application is outweighed by other considerations – the best interests of the residents and

children involved and the personal circumstances and unmet need of the travellers living there

- A refusal of the planning application would interfere with the rights of those living there, who have right of respect for family life and home
- The Planning Policy for Traveller Sites states that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community
- There is an unmet need, due to the lack of supply of sites provided for travellers by the local planning authority. There is a lack of a suitable and available alternative site for the travellers to move to. If these travellers are unable to live here, they may be forced to move to other illegal and antisocial sites, or present themselves as homeless, putting even more pressure on the already strained local housing stock. There is a need for a settled base for the travellers, in order to access and have continuity of medical care and education
- Regarding the Green Belt, the application constitutes a very small and relatively reversible impact on the Green Belt

11.3 Object

11.3.1 Comments raised include:

- The original application was for horse grazing and stables, not caravans
- Impact on Green Belt land – ugly and high fence. The Council has a duty to protect such land
- Anti- social behaviour
- Impact upon wildlife
- Lack of landscaping
- Noise pollution
- Impact on mental health
- Access and traffic – the A120 is being re- aligned
- The site is inappropriate for the use – it is within the 54dB noise contours for Stansted Airport and is therefore subject to noise and air pollution
- Degradation of woodland
- Impact on the character of the countryside – the site has been an eyesore for four and a half years
- Impact on listed buildings
- Out of keeping with the area
- Lack of infrastructure, including sewer and wastewater services
- Impact on flooding
- The site has been used to burn items
- To approve this application would be to reward intentional unauthorised development and the subsequent disregard for planning conditions. The site should have been cleared by 6th October 2022
- The application should be refused

11.4 Comment

- 11.4.1** All material planning merits will be considered in the following report. Officers are aware of the inaccuracies that have been highlighted by the Residents Association concerning the site being to the south of Birchanger Lane, not to the north, and the postcode being incorrect. However, these do not materially impact on the consideration of the case.

12. MATERIAL CONSIDERATIONS

- 12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application,
(aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

- 12.3** The appeal decision following the enforcement appeal on the site is a material consideration in the determination of this application.

The Development Plan

- 12.4** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Planning Policy for Travellers Sites (2015)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made Dec 2022)
Great and Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

Policy S6 – The Metropolitan Green Belt

Policy S7 – The Countryside

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN3 – Flooding

Policy GEN4 – Good Neighbourliness

Policy GEN5 – Light Pollution

Policy GEN7 – Nature Conservation

Policy GEN8 – Vehicle Parking Standards

Policy ENV13 – Exposure to Poor Air Quality

Policy ENV14 – Contaminated Land

13.3 Relevant Neighbourhood Plan

13.3.1 N/A

13.4 Supplementary Planning Document or Guidance

13.4.1 Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)

14. CONSIDERATIONS AND ASSESSMENT

14.1 The issues to consider in the determination of this application are:

- 14.2**
- A) The effect of the use of the land on the openness of the Green Belt (inc. consideration of any very special circumstances)**
 - B) Amenity of the occupiers of the site**
 - C) Neighbour Amenity**
 - D) Access, Parking and Transport**
 - E) Contaminated Land**
 - F) Drainage**
 - G) Landscaping**
 - H) Planning Balance**

14.3 **A) The effect of the use of the land on the openness of the Green Belt (inc. consideration of any very special circumstances)**

14.3.1 The site is location in the Metropolitan Green Belt wherein paragraph 137 of the NPPF states;

‘The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence’.

14.3.2 Paragraphs 147 and 148 of the NPPF state;
'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.

Paragraph 149 of the NPPF states;

'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- h) not have a greater impact on the openness of the Green Belt than the existing development; or*
- i) not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority'.*

14.3.3 Policy S6 of the Local Plan refers to the Metropolitan Green Belt and states *'the areas and boundaries of the Metropolitan Green Belt within Uttlesford are defined on the proposals map'*. However, as the Inspector noted as the time of the enforcement appeal on the site, *'The actual wording of Policy S6 does not incorporate these words [from national policy on Green Belt] and only deals with development, subject to caveats, in four named villages which are surrounded by the Green Belt and four other sites within the Green Belt, where a limited amount of development will be permitted. The appeal site lies outside these areas and, as such, I find that Policy S6 is also not relevant to the consideration of the development that has taken place'*.

- 14.3.4** Accordingly, the development ought to be considered in the light of national Green Belt policy, as contained in the NPPF and rehearsed above. It should also be considered with regards to the material considerations evident in this case – the appeal decision following the serving of the Enforcement Notice on the site in 2018. The NPPF has not been amended since the decision was made on the 2021 appeal.
- 14.3.5** In addition to the above Green Belt policy, the Planning Policy for Travellers Site (PPTS) document (2015) states, at paragraph 4 (d) that the Government's aims in respect of travellers' sites are *'that plan- making and decision- taking should protect Green Belt from inappropriate development'*.
- 14.3.6** Openness in Green Belt terms is the lack of built form. Therefore, any building work or physical development in the Green Belt impacts upon its openness. Prior to the mobile homes and caravans being brought on to the site in 2018, the site was open and clear of development (though permission had been granted for the erection of stables and the creation of hardstanding on the site; ref. UTT/18/ 0308/FUL). The development on the site has therefore had an impact upon the openness of the Green Belt (except for a hotel and an ambulance station, the area in the vicinity of the application site is clear of other development: the nearest other buildings are within the village of Birchanger itself, over 300m to the north of the site). As the Inspector opined, *'the site and the surrounding land performs an important role in safeguarding the countryside from encroachment and fulfils its Green Belt purpose of preventing Bishop's Stortford and Birchanger from merging together. However, the harm to this purpose of the Green Belt is limited in scope as the southern portion of the site is unaffected by the development. This area retains its Green Belt purpose, especially as it borders the A120 road, which forms a robust Green Belt boundary. Overall, though, I find that the development conflicts with the Framework and the PPTS with regard to the effect of it on openness and Green Belt purposes'*.
- 14.3.7** However, with regard to very special circumstances, the Inspector gave weight to the need for additional travellers' pitches within the district. A consultation on Gypsy and Travellers Issues and Options (December 2014 to February 2015) found that there is some need for sites in the district. The Uttlesford District Council Gypsy, Traveller and Travelling Show People Accommodation Assessment (GTTSA) of 2017 considered that the future need for travellers' pitches in the district (to 2033) was eight pitches (with none being required until 2021). Since the production of the GTTSA, there have been no annual reports setting out the five- year supply position for gypsy and traveller sites. There is therefore an unmet demand for additional pitches within the district.
- 14.3.8** The Inspector also gave weight to the personal circumstances of the appellants. While it is understood that the number of people living on the site has reduced since the appeal, the agent for the application has confirmed that the occupants of the site, and those intending to continue to

occupy the site, remain as per the submitted personal statements, and the appeal decision. Some of the families have found it necessary to move off the site, but if permission is granted, the agent has confirmed the same families would be seeking to occupy the site.

14.3.9 As the Inspector commented at the time of the appeal on the site;

‘As with all those who travel, a settled base would enable them to have regular access to medical care and education. In particular, the head of the household on Pitch 1 has ceased to travel temporarily due to the medical, educational and support needs of a child with significant special educational needs (SEN). A second child is also being assessed for the same condition. These details are supported by letters from the relevant health professionals. Notwithstanding difficult family circumstances, all the children currently attend nearby schools that meet their specific needs. There is evidence that the two older children have good attendance rates and are making good progress. The parents’ aspirations for all their children are that they do better than them.

‘The occupiers of Pitch 2 have no health problems but those of school age have enjoyed a continuity of education not available to the parents. In particular, one child has now moved onto a local secondary school and two attend primary school.

‘The occupiers of Pitch 3 also have a child with SEN who requires regular access to healthcare and struggles with the constant travelling. Until moving onto this site, none of the children were in continuous education.

‘One of the adults on Pitch 4 has a medical need that requires regular medication and management so access to a pharmacy is critical. Whilst the child on this pitch is currently too young for formal schooling, pre-school children on the appeal site attend nursery, which educationalists recognise as an important stepping stone to achieving success in formal schooling.

‘Whilst the occupiers of Pitch 5 state they have no particular health or welfare needs, nevertheless they state that one occupier has an on-going medical issue.

‘Two of the occupiers of Pitch 6 have each had in the last couple of years life-saving major surgery, which has resulted in a need for on-going regular medical care. Details from the relevant health professional for one of the occupiers is included with their statement. Whilst the name of the patient is slightly different from the site occupier and the recorded medical diagnosis is slightly different from that set out in the statement, I am satisfied that the Appeal Decision APP/C1570/C/18/3219384 letters from the hospital do relate to the occupier of this site. This is because the address within the letter is the same unusual name the occupiers have chosen for their site, and it is not uncommon for people to use two given names interchangeably. In addition, the adults on site recognise the benefit of continuous education and would like this for their children. As until now,

the peripatetic lifestyle has meant the education of their children being supplemented by a family member who is a settled former teacher.

'What is clear from all the personal statements is that this group of people have travelled together in various combinations for several years and are a close-knit family. Given their various personal circumstances, mutual support is much relied upon and a letter from The Gypsy Council confirms that the elder generations of the family have travelled together for many years. Help has been provided by The Gypsy Council in the form of arranging with various Councils for the family group to be allowed to stay.

'The best interests of children are a primary consideration in my decision and there are 15 (non-adult) children living on this site. The children's best interest is to have a secure and settled site. This would give them the best opportunity for a stable family life, safe play and access to education, health and other services. If this appeal is dismissed there would be an infringement of the occupiers' human rights under Article 8 of the European Convention on Human Rights. This deals with the right to respect for family life and the home'.

14.3.10 While the number of people living on the site is understood to be less now than at the time of the appeal decision, the above considerations are nevertheless relevant to the determination of the current application. Given that the planning policy framework surrounding the application has not changed in the intervening period, the previous decision is afforded significant weight. While the Council does have a duty to protect Green Belt land (including its visual amenities: the land and the caravans are visible from outside the site), it is considered that in this case, the history of the site is such that a different decision to that which is recommended would be difficult to sustain. Third party comments along the lines of rewarding intentional unauthorised development and the subsequent disregard for planning conditions are noted. However, the planning system is not punitive and for the reasons discussed above, it is considered the principle of this development in the green belt remains acceptable.

14.4 B) Amenity of the occupiers of the site

14.4.1 Paragraph 130 of the NPPF requires development to create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future occupiers. Policy GEN2 of the Local Plan advises development will not be permitted unless, amongst other things, it provides an environment which meets the reasonable needs of all potential users.

14.4.2 The site is within 6km of Stansted Airport and in close proximity to the A120 and the M11. Aeroplane and traffic noise and traffic pollution are therefore issues that affect the occupiers of the site on a daily basis. The Council's Environmental Health Officers also consider that, due to previous use of the site (lodgings for workers on the M11 between 1975 and 1979), land contamination may be an issue. It is noted that the Inspector at the time of

the appeal on the site did not consider noise, however, it is considered to be an issue given the site's proximity to the airport and the nearby motorway and trunk road, as explained in the preceding paragraphs. Accordingly, conditions concerning a phase 1 contaminated land assessment and the carrying out of a noise assessment are recommended.

- 14.4.3** Subject to the outcome of these assessments, it is considered the development complies with the NPPF (2021) and Policy GEN2 of the Local Plan in terms of the amenity of the occupiers of the site.

14.5 C) Neighbour Amenity

- 14.5.1** Policy GEN2 of the Local Plan requires, amongst other things, that development does not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property as a result of loss or privacy, loss of daylight, overbearing impact or overshadowing. Policy GEN4 of the Local Plan requires that development does not have an adverse impact upon the amenities of the occupiers of surrounding properties through noise and vibrations, smell, dust, light and fumes.

- 14.5.2** The proposed development does not compromise neighbour amenity in terms of unacceptable loss of light, over shadowing or overbearing impacts due to the distances between the site and the neighbouring properties. The development therefore respects residential amenity, with the nearest dwellings around 300m away. While the development would have resulted in a limited increase in the number of vehicular movements and associated noise when the caravans and mobile homes were taken onto the site in 2018, it is not considered that the grant of a new permission on the site would have a material change in this regard to the existing situation on the site. Any noise created by the site would be against the background noise of the M11 and the A120 (and intermittent aircraft noise). It is not considered that such noise would be material or harmful to the amenities of the occupiers of the dwellings in Birchanger. The amenities of the occupiers of the hotel around 130m to the north of the site would not be harmed for similar reasons. The nearby ambulance station would not be adversely affected either due to the commercial nature of the property.

- 14.5.3** While it is understood that items have been burnt on the site, refuse is now collected from the site such that its burning need not take place there.

- 14.5.4** It is accordingly considered that the development complies with Policies GEN2 and GEN4 of the Local Plan and the NPPF (2021) with regard to neighbour amenity.

14.6 D) Access, Parking and Transport

- 14.6.1** Policy GEN1 advises the main road network must be capable of carrying the traffic generated by a development and it must not compromise road

safety. Policy GEN8 refers to the Council's Parking Standards and requires development to comply with them. There is an existing access to the site off Birchanger Lane by way of a gated access set well back from the lane.

14.6.2 At the time of the appeal on the site, the Inspector did not raise any concerns regarding the access and highway safety as these were not reasons for issuing the enforcement notice and the Council had submitted "provisionally" that the use of the access would not have an adverse effect on either safety issues or the road network. Moreover, the appellant stated the design of the access accords with the grant of planning permission in 2018 for equestrian use of the land which included a new access from Birchanger Lane. No comments were received from the County Highway Authority at the time of the appeal. The Inspector commented that at the appeal site visit, he saw there was good visibility in both directions from the access point (this was observed by the Case Officer for this application as well). The design of the access was found to be acceptable for an equestrian use and is considered to be suitable for the new use of the site.

14.6.3 The development is therefore considered to comply with Policy GEN1 of the Local Plan and given the size of the site and the ample parking space available, the development complies with the Council's Parking Standards and Policy GEN8 of the Local Plan.

14.7 E) Contaminated land

14.7.1 Policy ENV14 of the Local Plan advises where a site is known or suspected to be contaminated, a site investigation, risk assessment, proposals and a timetable for remediation will be required.

14.7.2 The Council's Environmental Protection Team advise the site may be contaminated as a consequence of a previous use on the site. It is accordingly recommended that minimum of a phase 1 assessment should be carried out to identify and potential pollutant linkages. This may be secured by condition, in accordance with Policy ENV14 of the Local Plan.

14.8 F) Drainage

14.8.1 Policy GEN3 of the Local Plan and the NPPF seeks to ensure that development has an acceptable impact upon flood risk and does not increase the risk of other sites flooding.

14.8.2 A Sustainable Urban Drainage Strategy was submitted as part of the application which has been assessed by the Lead Local Food Authority. The strategy was found to be acceptable. Accordingly, the submission of a detailed surface water drainage strategy, a scheme to minimise the risk of off-site flooding caused by surface water run-off, a maintenance plan for the surface water run-off system, and keeping yearly logs of the maintenance may be secured by condition.

14.9 G) Landscaping

14.9.1 Paragraph 130 (b) of the National Planning Policy Framework (2021) advises '*Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*'. While the site is reasonably well screened along its Birchanger Lane boundary (the southern boundary), there is no landscaping on the site itself and little or no landscaping along the eastern boundary. A 1.8m fence has also been erected along the eastern and northern boundaries. While such a boundary treatment does have a certain impact upon the Green Belt (while along the northern boundary, it is well screened by established mature trees and other vegetation, along the eastern boundary it is less well screened), it is considered that it may be made acceptable with landscaping. This may be achieved by condition.

14.10 Planning Balance

14.10.1 The PPTS describes the importance of maintaining a five-year supply of deliverable sites for gypsies and travellers. The Council is unable to demonstrate that it can provide such sites as it has not made an assessment since 2017.

14.10.2 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out-of-date. This includes where the five-year gypsy and traveller land supply cannot be met. As the Council is currently unable to demonstrate a 5YHLS in this regard, increased weight should be given to the delivery of such sites when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

14.10.3 The following breaks down the economic, social and environment benefits of the development:

14.10.4 Economic:

The occupiers of the site would contribute to the local economy in the long term

14.10.5 Social;

The provision of the pitches to contribute to the 5 year gypsy and traveller land supply

Accessible to local services, including schools and medical facilities

14.10.6 Environmental;

Landscaping

14.10.7 As set out in section B of this report, the development does harm the openness of the Green Belt. However, the circumstances of the site and its occupiers (including the health and the special educational needs of a number of them) are considered to represent the very special circumstances necessary to outweigh the harm to the Green Belt by the development, when assessed against the policies in the NPPF taken as a whole as per paragraph 11d (i) of the document.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

16 CONCLUSION

16.1 The principle and location of the development for the change of use of the land for the stationing of caravans and mobiles homes for residential purposes and ancillary works (comprising the formation of six no. pitches, each comprising of two no. static caravans and one no. touring caravan has been accepted by the grant of permission for the development at appeal in October 2021. There have not been any material changes to the policy framework surrounding the development or the site in the intervening

period and accordingly, the development remains acceptable. The harm that is caused to the openness of the Green Belt is considered to be outweighed by the personal circumstances of the occupiers of the site.

- 16.2** Subject to conditions regarding the presence of contaminated land, the development will provide a suitable living environment for its occupiers.
- 16.3** Considering the distance between the site and the nearest residential properties in Birchanger, it is not considered that the development will have a harmful impact upon residential amenity. Similarly, the amenities of the occupiers of the nearby hotel (to the north of the site) and those of the adjacent ambulance station will not be unduly harmed by the development.
- 16.4** The highway access and its use are not considered to have any harmful impact upon highway safety.
- 16.5** The harm caused by the proposed development is not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole in accordance with paragraph 11d (i) of the document.

17 **CONDITIONS**

- 1** The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

- 2** The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites, August 2015 (or its equivalent in replacement national policy).

REASON In the interests of the proper planning of the site and the specific circumstances of the application in accordance with the Planning Policy for Travellers Sites (2015) and the National Planning Policy Framework (2021).

- 3** The use hereby permitted shall be limited to six pitches.

Reason: In the interests of the appearance of the site and the wider area, amenity and the openness of the Green Belt in accordance with Policies GEN2 and S6 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

- 4** No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

REASON: In the interests of the appearance of the site in accordance with Policies GEN2 and S6 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

- 5** No commercial activity shall take place on the land, including the storage of materials, plant or equipment.

REASON: In the interests of the appearance of the site and the wider area, amenity and the openness of the Green Belt in accordance with Policies GEN2 and S6 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

- 6** Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting or amending that Order, no additional gates walls or fences or other means of enclosure, including bunding, shall be erected or placed within/to the boundaries of the site.

REASON: In the interests of the openness and visual amenities of the Green Belt in accordance with Policies GEN2 and S6 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

- 7** No external lighting shall be put in place or operated on the site at any time other than has been previously submitted to and approved in writing by the local planning authority. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of amenity and the visual amenities of the Green Belt, in accordance with Policies GEN2 and S6 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021). In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport and in accordance with Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

- 8** 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 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:

Within three months of the date of this permission, submit a Phase 1 Desk Study report to the Local Planning Authority for their written approval documenting the ground conditions of the site with regard to potential contamination. This report shall adhere to BS10175:2011.

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall be submitted to the Local Planning Authority for their written approval. Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted to the Local Planning Authority for their written approval. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment.

Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full in a timeframe that shall be agreed in writing with the Local Planning Authority. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

Within 11 months of the date of this decision, the details set out in (i) above should have been approved by the local planning authority or, if the Local Planning Authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal should have been made to and accepted as validly made by the Secretary of State.

If an appeal is made in pursuance of (ii) above, that appeal should have been finally determined and the submitted Phase 1/Phase 2/Phase 3 report should have been approved by the Secretary of State.

The approved details as set out in (i) above shall have been carried out and completed in accordance with the approved timetable.

REASON: To protect human health and the environment, in accordance with Policies GEN2 and ENV14 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

9 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- No waste materials should be burnt on the site, instead being removed by licensed waste contractors
- No dust emissions should leave the boundary of the site
- Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site
- Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays

REASON: In the interests of the amenity of surrounding locality and residential/ business premises in accordance with Policies GEN1, GEN2,

and GEN4 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

- 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 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:

Within three months of the date of this permission, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to the local planning authority for their written approval. The scheme should include but not be limited to:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented within three months of the date of approval.

Within 11 months of the date of this decision, the details set out in (i) above should have been approved by the local planning authority or, if the Local Planning Authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal should have been made to and accepted as validly made by the Secretary of State.

If an appeal is made in pursuance of (ii) above, that appeal should have been finally determined and the submitted surface water drainage scheme should have been approved by the Secretary of State.

The approved details as set out in (i) above shall have been carried out and completed in accordance with the approved timetable.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation

of Sustainable Urban Drainage System (SuDS) features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment.

11

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 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 three months of the date of this permission, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to the local planning authority for their written approval. The scheme should include but not be limited to:
 - Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented within three months of the date of approval.

- ii. Within 11 months of the date of this decision, the details set out in (i) above should have been approved by the local planning authority or, if the Local Planning Authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal should 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 should have been finally determined and the submitted surface water drainage scheme should have been approved by the Secretary of State. Scheme.
- iv. The approved details as set out in (i) above shall have been carried out and completed in accordance with the approved timetable.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation

of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment.

- 12** The developer or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with Policies GEN3 and ENV12 of the Uttlesford Local Plan (2005) and paragraphs 163 and 170 of the National Planning Policy Framework (2021).

- 13** 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 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 three months of the date of this permission, full details of both hard and soft landscape works shall be submitted to the local planning authority for their written approval and these works shall be carried out as approved. These details shall include [for example]:-
- i. proposed finished levels or contours;
 - ii. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;
 - v. hard surfacing materials;
 - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
 - vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant.
 - viii. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.
- (ii) Within 11 months of the date of this decision, the details set out in (i) above should have been approved by the local planning authority or, if the Local Planning Authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal should 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 should have been finally determined and the submitted landscape details as set out in (i) above should have been approved by the Secretary of State. scheme
- (iv) iv) The approved details as set out in (i) above shall have been carried out and completed in accordance with the approved timetable.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

- 14** All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting season following the approval of the condition or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

- 15** 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 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 three months of the date of this permission, submit a noise/acoustic report to the Local Planning Authority for their written approval documenting measures to show how the internal and external areas of the pitches are/will be protected from external noise in accordance with BS8233:2014 and the current Noise Policy Statement for England. The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4. 07:00 to 23:00 Resting - Living room 35 dB LAeq,16hour Dining - Dining room/area 40 dB LAeq,16hour Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour 23:00 to 07:00 Sleeping/Night-time Bedroom 35 dB LAeq,8hour.

External areas shall be designed and located to ensure that amenity areas are protected on all boundaries so as to not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification should be provided. Where necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that: Noise from the system will not present an adverse impact on occupants The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to

climate change predictions The alternative means of ventilation shall be maintained thereafter.

- (ii) Within 11 months of the date of this decision, the details set out in (i) above should have been approved by the local planning authority or, if the Local Planning Authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal should 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 should have been finally determined and the submitted noise/acoustic report should have been approved by the Secretary of State.
- (iv) The approved details as set out in (i) above shall have been carried out and completed in accordance with the approved timetable.

REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with Policy ENV10 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

16

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 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 three months of the date of this permission, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution shall be submitted to the local planning authority for their written approval. The scheme shall subsequently be implemented as approved.
- (ii) Within 11 months of the date of this decision, the details set out in (i) above should have been approved by the local planning authority or, if the Local Planning Authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal should 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 should have been finally determined and the submitted details as set out in (i) above should have been approved by the Secretary of State.
- (iv) The approved details as set out in (i) above shall have been carried out and completed in accordance with the approved timetable.

REASON: To ensure that the development does not result in increased flood risk elsewhere and does not contribute to water pollution, in accordance with Policies GEN3 and ENV12 of the Uttlesford Local Plan (2005) and paragraphs 163 and 170 of the National Planning Policy Framework (2021).

17

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 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 three months of the date of this permission, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/ frequencies, shall be submitted to the Local Planning Authority for their written approval. Should any part be maintained by a maintenance company, details of long-term funding arrangements should be provided.
- (ii) Within 11 months of the date of this decision, the details set out in (i) above should have been approved by the local planning authority or, if the Local Planning Authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal should 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 should have been finally determined and the submitted details as set out in (i) above should have been approved by the Secretary of State. scheme
- (iv) The approved details as set out in (i) above shall have been carried out and completed in accordance with the approved timetable.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk, in accordance with Policies GEN3 and ENV12 of the Uttlesford Local Plan (2005) and paragraphs 163 and 170 of the National Planning Policy Framework (2021).