



Appeal Decisions

Inquiry opened on 9 December 2008

Site visit made on 11 December 2008

by **Antony Fussey** JP BSc(Hons) DipTP
MRTPI

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

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Decision date:
6 January 2009

Appeal A: APP/R3325/C/07/2062622

Land at OS 2847, Isle Abbots Road, Fivehead, Taunton, TA3 6QH

- 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 William Birch against an enforcement notice issued by South Somerset District Council.
- The Council's reference is EN/07/00460/USE.
- The notice was issued on 15 November 2007.
- The breach of planning control as alleged in the notice is without planning permission
 - a) the unauthorised use of the land for the siting of caravans for residential use
 - b) the parking of vehicles in association with the unauthorised residential use of the land
 - c) the use of an existing stable block upon the land in association with the unauthorised residential use
 - d) the laying of a hard standing area upon the land in association with the unauthorised residential use.
- The requirements of the notice are
 - a) cease the unauthorised use of the land for the siting of caravans for residential use and remove from the land any existing caravans
 - b) cease the unauthorised use of the land for the parking of vehicles in association with a residential use and remove from the land any existing vehicles
 - c) cease the use of the existing stable block upon the land in association with the unauthorised residential use
 - d) remove the area of hard standing laid down in association with the unauthorised residential use.
- The period for compliance with requirements a), b) and c) is 1 month and that for requirement d) is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.

Appeal B: APP/R3325/A/08/2080152

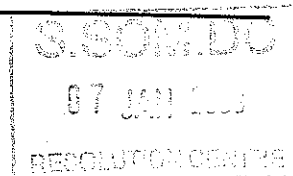
Paddock adjacent to Isle Abbots Road, Fivehead, Taunton, TA3 6QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr William Birch against the decision of South Somerset District Council.
- The application Ref 07/05377/COU, dated 26 October 2007, was refused by notice dated 24 June 2008.
- The development proposed is change of use to a gypsy site for 4 pitches.
- The inquiry sat for 2 days on 9 and 10 December 2008.

Decisions

Appeal A

1. I direct that the enforcement notice be corrected by
 - a) the deletion of the words "has been a breach" and the substitution of the words "have been breaches" in section 1.



- b) the deletion of the word "breach" and the substitution of the word "breaches" in the heading to section 3.
 - c) the deletion of the first sentence and the substitution of the words "It appears to the Council that the above breaches of planning control (a) to (c) have occurred within the last 10 years and the above breach of planning control (d) has occurred within the last 4 years" in section 4
 - d) the deletion of the words "and additional site" and the substitution of the words "an additional site" in the second sentence of section 4
2. Subject to these corrections I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission, 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 the use for the siting of caravans for residential use, together with the parking of vehicles, the use of an existing stable block upon the land, and the laying of a hard standing area upon the land, all in association with the residential use, on the land at OS 2847, Isle Abbotts Road, Fivehead, Taunton, TA3 6QH shown edged red on the plan annexed to the enforcement notice, subject to the conditions in the attached schedule.

Appeal B

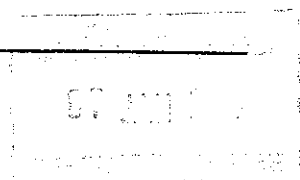
3. I allow the appeal, and grant planning permission for the change of use to a gypsy site for 4 pitches at land at OS 2847, Isle Abbotts Road, Fivehead, Taunton, TA3 6QH in accordance with the terms of the application, Ref 07/05377/COU, dated 26 October 2007, and the plans submitted with it, subject to the conditions in the attached schedule.

Matters Concerning the Enforcement Notice

4. The enforcement notice alleged that the 4 identified breaches of planning control had occurred within the previous 4 years. However the period for taking enforcement action in respect of a material change of use (as opposed to operational development) is 10 years, and the notice is therefore incorrect in respect of the first 3 breaches. The appellant and the Council agreed at the Inquiry that it was open to me to correct the allegation in the notice. I am satisfied that no injustice will be caused by this and I shall therefore correct the enforcement notice in those respects.

Other Preliminary Matters

5. The enforcement notice and planning application gave different addresses for the site, although the various plans showed the same boundaries. I shall use the address given on the notice as being more precise.
6. At the Inquiry the Council confirmed that the percolation tests it had requested had resolved the first reason for refusal, which could now be addressed by a condition controlling means of drainage. This would accord with policy EU3 of the adopted South Somerset Local Plan (SSLP) and meet a criterion of policy HG11. It also agreed that a condition controlling external lighting would resolve a reason for serving the enforcement notice. This is not now part of its case, nor did it pursue the reason alleging an over-provision of gypsy sites in the area.
7. The Council accepted that the appellant and his family are "gypsies" as defined in ODPM Circular 1/2006 "Planning for Gypsy and Traveller Caravan Sites". From the details of the patterns of travel for work purposes given at the Inquiry, it seems to me that this assessment is correct.



Main issues

8. The main issues in this appeal are the impact of the development on the character of its surroundings, and whether it would accord with national and local policies on sustainable development.

Planning Policy

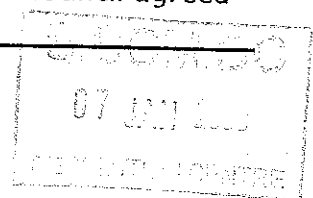
9. Somerset and Exmoor National Park Joint Structure Plan Review (SENPSR) policy 5 seeks to safeguard the countryside for its own sake and SSLP policy ST3 strictly controls development outside defined areas. However the Council conceded that these have reduced weight and are unlikely to be determinative, as they conflict with both Circular 1/2006 and adopted policies relating to gypsy sites, whose effect is to add gypsy sites to those types of development which are acceptable in principle in the countryside. Policies ST5 and ST6 require new development to respect the character of their surroundings, and under policy EC3 local landscape character should not be unacceptably harmed.
10. SENPSR policy STR1 and SSLP policy ST5 seek to reduce journey distances and the need for travel. Under SENPSR policy 36, gypsy sites should be within a "reasonable distance" of settlements providing local facilities; SSLP policy HG11 says that they should be "reasonably well related" to schools and community facilities. The Council said that this was the only outstanding criterion of policy HG11 which was breached. However neither Plan amplifies what these terms mean. SENPSR policy 5 was only raised at the Inquiry while the reasons for serving the enforcement notice cited only SSLP policies ST3, ST5 and ST6.

Reasons

11. The appeals relate to a narrow strip of land, just over 200m long, on the western side of Isle Abbotts Road. At its nearest point it is about 150m south of the nearest part of Fivehead's built-up area. A gap of some 15m, between the site's southern boundary and the nearest building in the complex at Stillbrook Farm, contains several trees. There is a field gate near the northern end of the road frontage but the main access is about 65m from the southern boundary. Within the site, immediately north of this access, is a wooden stable building, open to the west. Inside it I saw a shower cubicle, washing machine and some domestic storage. The area between the site's southern boundary and a point about 10m north of the stable is surfaced with hardcore. On it I saw 2 portable toilets, 6 touring caravans and a larger caravan, still capable of being towed by a vehicle. I understand that the types and numbers of caravans have varied over time.
12. Appeal A relates to the whole of the strip of land but appeal B proposes 4 pitches, 2 to the south of the access and 2 to the north of the barn; these last would extend up to 45m beyond the existing hard standing. An area next to the southern boundary, about 7m deep, is shown as being landscaped, and new trees would be planted in the hedgerow along the western boundary. At the Inquiry the appellant confirmed that he intends to use the area to the north of the proposed plots as a rough paddock and for children's recreation.

Impact on the Character of the Area

13. The surrounding area has no special planning designation or constraints, and the Council did not object to the impact of the appeal developments on its appearance, even with larger mobile homes than shown. Many residential and other developments are unacceptable in the countryside, but the Council agreed



that Circular 1/2006 accepts the principle of gypsy sites there, and further from settlements than indicated by earlier national guidance. It also agreed that this means that they may be visible to an extent, and so not in principle be alien features in the countryside. However both parties agreed that gypsy sites are not thereby acceptable in all rural situations. I recognise the screening benefits of the existing roadside hedge, the ability of additional planting to reinforce it and the western hedge, and to increase the visual separation from Stillbrook Farm by planting in the south of the site. These features indicate to me that 4 pitches could indeed acceptably blend into the landscape.

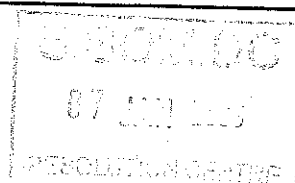
14. I agree that the existing solid fence running southwards from the access has an unfortunate suburban appearance. However all parties agreed that it did not need an application for planning permission. In addition its starkness will tone down over time, and reinforcing the hedgerow would mitigate its appearance.
15. The Council's concern is that the development's linear nature would be out of character with the surrounding settlement pattern. The southern part of Fivehead's built-up area in my view has a firm limit, sharply differentiated from the countryside to the south, which to my mind is the context to assess the appeal development's impact. Within this area the building pattern is sporadic; there are some large complexes, but these tend to be isolated from each other. In parts of Fivehead, particularly extending up to the A378 and along Stowey Road and Silver Street, there is linear development, but this directly adjoins the nucleated part of the village. In contrast, the proposed plots would produce a ribbon of development, some 125m long, physically separated from the built-up area by a gap of 225 - 250m. The ribbon would not be on its edge.
16. Under appeal B, a large part of the site would be kept free from development; the appellant would accept a condition to this effect in relation to both appeals. This would substantially reduce the variation from the area's settlement pattern which would occur were the whole land to become a caravan site, even if limited to the numbers envisaged in the application. The Council conceded at the Inquiry that the harm to the landscape would be limited, describing it as "not severe" and "not significant". I agree, and in my opinion it does not pass the threshold of "unacceptable harm" in SSLP policy EC3. Nevertheless as a matter of fact the development's linear form would not accord with surrounding area's settlement pattern, and for this reason would breach policies ST5 and ST6.
17. I was told that there was a timber yard and landscaping business on the site before the appellant bought it; the Parish Council refers to the land as "Stillbrook Woodyard". I have not been told that noise and activity from the previous use had adversely affected the cemetery on the opposite side of the road, and I have no evidence that the presence of a gypsy caravan site would cause any greater harm to its tranquillity. Indeed, cemeteries can be appropriate in urban as well as rural areas, and the Council agreed that it had no policies to prevent development near any of them, let alone this one. I do not consider that the proximity of the cemetery justifies dismissing the appeals.

Sustainability

18. Fivehead, although not a village with a defined development area in the SSLP, has a range of community facilities including a shop/post office, 2 churches, a public house and a village hall. These are some 500m from the site. A regular bus service along the A378 is 750m away, and a weekly community bus serves the village centre. The Council accepted that these services are reasonable. A
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primary school in Curry Mallet is 2.6km from the site and a surgery at North Curry is 6.5km away. The nearest secondary school, at Langport, is 10km away.

19. Fivehead has a range of accessible facilities and public transport links which are better than many rural settlements, and the Council agreed that the appeal site is a comfortable walk from the village shop, and reasonably well-located in relation to the school. I accept that the nature of the lanes to Curry Mallet would deter walking to the school, but it is within easy cycling distance. The appellant agreed that living on the site would increase car-borne journeys, but I was provided with details of appeal decisions where gypsy sites at greater distances from facilities were still found to be sustainable.
 20. Whilst the appellant accepted that the closer the site was to services the better, Circular 1/2006 says that the assessment of sustainability for gypsy sites involves wider issues than travel mode and distance to facilities. Account is also needed of the wider benefits of a settled site, including accessibility to health, education and other community facilities, and there needs to be realism when considering the availability of alternatives to private cars. Therefore, as the Council accepted, sustainability considerations for gypsy sites differ from other types of development. This is not least because of their acceptability in principle in the countryside and the difficulty of finding sites.
 21. I consider that this site is within a reasonable distance from many community facilities. Moreover the distances to the secondary school and the surgery are not great in this rural situation. There would be significant reliance on the private car but, given the small number of plots and the fact that gypsies can be away from their base for long periods, it seems to me that daily movements would be modest. In these circumstances I find, as did the highway authority, that this site is sustainable in terms of provision for gypsy sites. There is no conflict with the development plan policies which specifically relate to their location, or with guidance in Circular 1/2006. The Council agreed that in these circumstances the site would accord with criterion (1) of SSLP policy ST5.
 22. I conclude on the main issues that, while there is no valid objection on the grounds of sustainability, the linear development at a distance from the village's built-up area would be out of character with its surroundings and thereby breach the development plan. I now turn to consider those material considerations advanced as outweighing this breach.
- Need for Gypsy and Traveller Sites***
23. The biannual gypsy count is not generally accepted as being wholly accurate. Evidence at the Inquiry showed that the count over-estimates the number of plots on public sites in the District. Moreover the Council had misunderstood what should be recorded as "tolerated" caravans on unauthorised sites, so the July 2008 figure of 17 of them was incorrect; in reality at least some are "not tolerated". Therefore the count underestimates the most urgent demand, of families under great threat of eviction. It seems that the correct position is that 8 unauthorised pitches are subject to various forms of enforcement action, and no alternative sites are available. These include 2 plots on the appeal site, as it transpired that the appellant has 2 lawful plots on a site near Pershore, Worcs.
 24. A report in 2006 assessed the demand for additional pitches by 2011 in the District as 14 - 16. However the Council accepted that this was only a partial appraisal, and an incomplete Gypsy and Traveller Accommodation Assessment



(GTAA). The officers' report on the application showed a demand for 17 pitches but the Panel report into the RSS review of additional pitch requirements recommends that the need in the District be revised to 20 permanent and 10 transit pitches. The proposed changes incorporate these figures. This and other Councils are co-operating to produce a more robust GTAA. I accept that it is unlikely to reduce this number; I note the Council's Community Liaison Officer's view that an accurate GTAA would considerably increase the identified need.

25. 7 families are currently on the waiting list of the 2 existing public sites in the District. I was told that the 8 pitches at Tintinhull are fully occupied and that one of the 6 at Ilton is currently unsuitable for use. Planning permission was granted in February 2007 to refurbish the Ilton site and create another 4 plots, but full funding has not been secured. It therefore seems to me that the public sites are unlikely to resolve the demand, or even have great impact on it. The Council accepted that 14 to 18 permanent pitches would be needed by 2011 even if outstanding planning permissions for 6 are implemented by then.
 26. I do not agree with the Council's opinion that only a shortfall of 50-60 pitches would be "significant". Irrespective of figures cited in other Council areas, the level of need in South Somerset in relation to existing provision is in my view significant and pressing. Nevertheless the Council has been commendably willing to permit new and extended private sites; I note the close vote when the appellant's application was determined. However it accepted that no alternative site is available for him and that unmet need has weight in his favour.
 27. The identified levels of need, the provision on public sites and the numbers of permissions granted indicate to me that a continuing shortfall is likely. The SSLP identifies no suitable available sites; the Local Development Scheme has no timetable for the preparation of a site allocations Development Plan Document (DPD). At the Inquiry the Council confirmed that this would be prepared after its Core Strategy is adopted in 2010/11, and aims to adopt the DPD in 2011/12. The Council agreed that any allocated sites would not be immediately available, as landowners would need to seek and receive planning permission, and then provide any sites. It estimated that allocated sites would not be available for at least a year after the adoption of the DPD. Even without slippage, this would be beyond the RSS's period for provision. From this I find that there is insufficient provision to meet the currently identified need, and that there is no reasonable expectation that enough sites will become available within either a reasonable timescale or the 5 year period promoted for a temporary planning permission.
 28. I have found compliance with SENPSP policy 36 and SSLP policy HG11 on the location of gypsy sites. The current levels of local unmet demand and the likely delay in meeting it are in my view material considerations strong enough to overturn the harm (acknowledged by the Council as limited) arising from being out of character with the area's settlement pattern, and the resulting breach of SSLP policies ST5 and ST6. This finding is subject to the development being limited to that envisaged in the planning application. I shall allow the appeals.
 29. As I have found that the proposed 4 pitches in the southern part of the site would accord with policy, there is no justification for a temporary consent. In any event I do not consider that planning circumstances are likely to significantly change before the end of the temporary period proposed to me, nor is there a reasonable expectation that new sites would become available by then. In these circumstances a permanent planning permission is appropriate.
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Other Material Considerations

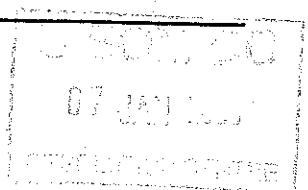
30. 2 out of the 4 components of this extended family have lawful pitches in Worcestershire. However there is a pressing need for more gypsy sites in South Somerset, and I have found this site to be acceptable, irrespective of the family circumstances involved. There is therefore no reason why planning permission should be personal to the appellant. Nor is it now necessary for me to consider the arguments advanced under the Human Rights Act were the appeals to be dismissed.
31. There has been a high level of public concern about this site. I can appreciate the frustration felt by local residents that the appellant began the use without planning permission, without prior consultation with the Council, and also continued with the development. These actions are contrary to advice in Circular 1/2006 and, it seems, to that from his agent. I also note concerns about intimidating signs at the site entrance. Nevertheless the appellant's actions or lack of them, while possibly harming his integration into the local community, do not affect the planning merits of the appeals
32. In terms of the treatment of foul sewage, the application form proposed a septic tank with a soakaway drainage system, but subsequent percolation tests showed that the ground conditions are unsuitable for this. However the parties agreed that a package sewage treatment plant, with treated effluent discharging to the roadside ditch, would be an appropriate means of disposal, provided the ditch is maintained. This matter can be addressed by a condition, which will also address surface water drainage.
33. Allegations of commercial activity appear to have been mainly based on large drums seen on the northern part of the site. However I was given no evidence to counter the appellant's statement that these were empty and in process of being scrapped. Moreover he would accept a condition preventing commercial use on the site. The Council accepted that this would not cover parking of commercial vehicles, but the appellant's offer to restrict the size of parked vehicles to 3.5 tonnes would enable the Council to prevent parking of heavy vehicles, which I agree would significantly harm the surroundings.
34. There have been objections on the grounds of highway safety but these are not sustained by the highway authority. I have no reason to take a different view.

Conclusions

35. For the reasons given above I conclude that appeal A should succeed on ground (a) and I will grant planning permission in accordance with the application deemed to have been made under section 177(5) of the 1990 Act as amended, which will now relate to the corrected allegation. It is therefore unnecessary to address the appeal under ground (g).
36. For the reasons given above I conclude that appeal B should be allowed.

Conditions

37. The deemed application in appeal A relates to the use of the whole appeal site as a caravan site. I consider that such a long ribbon of development would unacceptably harm the area's character. However the appellant confirmed that he only seeks that development which comprised in appeal B. If the extent of development which could be accepted here were restricted accordingly, this



would in my opinion swing the balance to avoid unacceptable harm to the area's character. The appellant agreed that the northern part of the site should only be used as a paddock but I consider that it would be more appropriate to specify which uses should not take place there. I shall impose a condition accordingly.

38. I set out above the reasons for not granting a temporary permission; this has implications for some of the other conditions suggested by the Council. I agree that it is essential to restrict occupation to gypsies and travellers but I see no reason to require regular notification of occupiers' names; the Council did not press this point. As described above, I accept the need to control numbers and locations of caravans but I shall amend the Council's wording so that one on each plot may be a mobile home, not "shall". I shall adopt the appellant's proposed weight limit on parked vehicles and his suggestion that they should only be placed on the approved hard standing area. I also agree that parts of this area should be kept clear for turning, to avoid vehicles reversing on to the road.
39. A safe access is essential, but the parties agreed that the suggested condition relating to its gradient is unnecessary. The appellant agreed that access should be through the southern gateway; this is necessary to control the use of the paddock and of the northern access, which appears substandard.
40. The parties agreed that it is unnecessary to specify the detailed contents of a landscaping scheme in a condition, while recognising the suggestion as a guide of what the Council could accept. I was shown an area of hard standing on the site, next to the southern boundary, which would be removed to enable planting there. It would be appropriate to require this to be removed in the short term so that planting could take place quickly. The appellant agreed to maintain the roadside hedge at its existing height, or higher. This is necessary in recognition that the fence's presence avoided objections on the grounds of visual harm, while a lower hedge would make caravans more prominent in the landscape.
41. Other suggested conditions are addressed above. As the parties agreed, where appropriate I shall adapt the suggestions, using the wording of various models. In particular I shall require certain details to be submitted for approval, and for the approved schemes to be implemented, within specified timescales, in default of which the use will cease and all caravans, vehicles and materials be removed. The Council could enforce any breach of these requirements by the service of a Breach of Conditions Notice, against which there is no right of appeal.

Antony Fussey

INSPECTOR

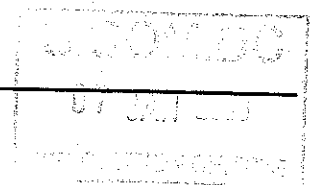
10/11/08
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Schedule of Conditions

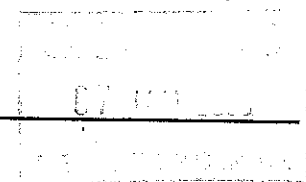
- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.
- 2) There shall be no more than 4 pitches on the site and no caravan shall be stationed on the land other than within the 4 pitches shown on plan BIR1. On each of the 4 pitches hereby approved, no more than two caravans shall be stationed at any time, of which no more than one caravan shall be a residential mobile home.
- 3) The caravans shall be sited in accordance with plan No. BIR1. Any material change to the position of a mobile home, or its replacement by another mobile home in a different location, shall only take place following the written agreement of the Council
- 4) No vehicles shall be parked or stored, no surfacing shall be laid, no caravans placed, no buildings erected and no materials or equipment placed or stored, on the area to the north of the 4 pitches identified on plan BIR1
- 5) No commercial activities, including the storage of materials, shall take place on the land.
- 6) The use hereby permitted shall cease and all caravans, structures, equipment, surfacing and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (vi) below:
 - (i) Within 1 month of the date of this decision, the existing hard surfacing within 7 metres of the southern boundary of the site shall be permanently removed
 - (ii) Within 3 months of the date of this decision, visibility splays of 2m x 33m shall be provided on each side of the "existing access" shown on drawing BIR1. Within the splays there shall be no obstruction to visibility higher than 900mm above the adjoining road level.
 - (iii) within 3 months of the date of this decision schemes for the following, to include timetables for their implementation, shall be submitted for the written approval of the local planning authority:
 - a) the means of foul and surface water drainage of the site, including provision for the continuing maintenance of the roadside ditch
 - b) proposed and existing external lighting on the boundary of and within the site, including means of orientating and shielding the lighting so that it does not illuminate any area outside the site
 - c) tree, hedge and shrub planting, including details of species, plant sizes and proposed numbers and densities, together with areas in the vicinity of the proposed planting to be kept clear of hard surfacing
 - d) the provision of turning areas
 - e) the extent of hard surfacing of the site and the materials to be used in its provision



- f) the surfacing of the first 4.5 metres of the access, measured from the edge of the adjoining carriageway, which should not be of loose stone or gravel
 - (iv) within 11 months of the date of this decision each of the above schemes shall have been approved by the local planning authority or, if the local planning authority refuse to approve the schemes, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (v) if an appeal is made in pursuance of (iv) above, that appeal shall have been finally determined and the submitted schemes shall have been approved by the Secretary of State.
 - (vi) each approved scheme shall have been carried out and completed in accordance with the relevant approved timetable.
- 7) The landscaping scheme required by condition 6 (iii) c) above shall include schedules of maintenance
- a) of the existing boundary hedges, with provisions for them to be retained at no lower than their existing heights, together with details of remedial measures should their existing heights be reduced
 - b) for a period of five years of the proposed planting, commencing at the completion of the final phase of implementation as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted.

The maintenance shall be carried out in accordance with the approved schedules

- 8) There shall be no external lighting on the site other than as approved under condition 6 (iii) b) above
- 9) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site. No vehicle shall be stationed, parked or stored except on those areas of hard standing shown on drawing BIR1 which are not within the turning areas approved under condition 6 (iii) d) above
- 10) The turning areas approved under condition 6 (iii) d) above shall be kept clear of parked vehicles and any other stored or deposited items
- 11) All vehicular access to the 4 plots hereby approved shall be taken from the "existing access" shown on drawing BIR1.
- 12) Any entrance gates shall be hung to open inwards and shall be set back at least 4.5m from the carriageway edge
- 13) The visibility within the splays referred to in condition 6 (ii) above shall be thereafter maintained in accordance with that condition
- 14) The means of foul and surface water drainage of the site approved under condition 6 (iii) a) above shall be thereafter operated, and the roadside ditch shall be thereafter maintained, in accordance with the approved details
- 15) No hard surfacing, apart from that approved under condition 6 (iii) e) and f) above, shall be laid on the site



APPEARANCES

FOR THE APPELLANT:

Mr M Green BA Partner, Green Planning Solutions LLP, 3A High Street,
Much Wenlock, Shropshire, TF13 6AA
He gave evidence and called
Mrs R Reed BA DipArch Partner, Green Planning Solutions LLP
MA RIBA
Mr W Birch The appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Towler Of Counsel, instructed by Head of Legal & Democratic
Services, South Somerset District Council
He called
Mr M J Muston BA(Hons) Director, Muston Planning, 75 Dovers Park, Bathford,
MPhil MRTPI Bath, BA1 7UD
Mr R Archer CMLI DipLA Landscape Architect, South Somerset District Council
Mr R S Petrie MBEng Building Control Team Leader, South Somerset
District Council
Mr R P Wotton Senior Enforcement Planner, South Somerset District
Council

INTERESTED PERSONS:

Mr M Cavill Chairman, Fivehead Parish Council, of New House
Farm, TA3 6PR
Mr P Goltz Community Liaison Officer, South Somerset District
Council
Mrs P Helliar Framptons Mead, Butchers Hill, Fivehead, TA3 6PD
Mr L Beacham 6 Ganges Close, Fivehead, TA3 6PG

DOCUMENTS

- 1 Statement of Common Ground
- 2 Mr Birch's revised statement
- 3 Appeal and costs decisions relating to Uplowman Road, Tiverton
- 4 Transcript; Wychavon DC v SSCLG & Butler [2008]EWCA Civ 692
- 5 Letter of 2 December 2008 from Dameon Brunn to the appellant
- 6 Email of 5 December 2008 from Mr Green to Mr Petrie
- 7 Delegated authority to take enforcement action
- 8 Mr Cavill's statement on behalf of Fivehead Parish Council
- 9 Details of July 2008 gypsy count
- 10 The Council's list of suggested conditions
- 11 Summary report of Small v N Somerset Council

PHOTOGRAPHS

- 1 Aerial photographs submitted by Mr Archer
- 2 Photographs dated 27 October 2008 submitted by Mr Wotton
- 3 Photographs dated 27 November 2008 submitted by Mr Wotton

