

<b>APPLICATION NO.</b>	<a href="#">P23/S2215/S73</a>
<b>APPLICATION TYPE</b>	SECTION 73
<b>REGISTERED</b>	6.9.2023
<b>PARISH</b>	GARSINGTON
<b>WARD MEMBER(S)</b>	Sam James-Lawrie
<b>APPLICANT</b>	Mr James McDonagh
<b>SITE</b>	9 Kiln Lane Garsington, OX44 9AR
<b>PROPOSAL</b>	Removal of conditions 1(Occupation) and 4 (Named Occupants) from application P17/S4216/FUL granted on appeal APP/Q3115/W/18/3209624. To remove the temporary nature of the permission to make permanent. (Change of use of land as a private one pitch gypsy and traveller caravan site consisting of 1 mobile home; 1 touring caravan; 1 amenity block and associated development at Plot 9, Kiln Lane, Garsington, Oxfordshire OX44 9AR)
<b>OFFICER</b>	Jeremy Peter

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**1.0 INTRODUCTION AND PROPOSAL**

1.1 This application is being brought to committee for determination because of the objection by Garsington Parish Council and a call-in request by the ward councillor.

1.2 Planning permission was granted on appeal on the 19 July 2019 for a temporary change of use of land to a private gypsy and traveller caravan site consisting of one mobile home; one touring caravan; one amenity block and associated development with a number of conditions. This application seeks to remove condition 1 relating to the period of occupancy and the named occupants, and Condition 4 requiring the clearance of the land after the period of occupancy ends. Condition 1 states:

*The occupation of the site hereby permitted shall be carried on only by Mr James McDonagh and his wife Lena Lawrence and their resident dependants, and shall be for a limited period being the period of 4 years from the date of this decision.*

1.3 Condition 4 states:

*When the land ceases to be occupied by those named in condition 1) above, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought onto the land or works undertaken to it in connection with that use shall be removed and the land restored to a condition agreed in writing by the local planning authority and detailed in condition 5).*

1.4 The site comprises a traveller site within the designated Oxfordshire Green Belt. It is one of a number of gypsy/traveller sites that have been granted temporary permission on Kiln Lane.

1.5 The application was submitted before the expiration of the permission but validated after the permission expired on the 19 July 2023. Consultation with the Council's legal service has confirmed that in accordance with case law, a Section 73 application can be retrospective and so the Council can determine the application. The reason for the delay in the application coming to committee was due to the late submission of confidential information by the applicant.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 Garsington Parish Council – Objects: Planning permission has expired. The applicant has not provided any arguments as to why the previous decision of the Inspector on the 19/07/2019 should be reversed or modified. Questions whether Schedule of Conditions, as set out in the Inspector's Decision dated 19/07/2019, have been complied with. Planning permission expired months ago and not conformed too. The Parish Council refers to the inquiry.

2.2 Contaminated Land – no observations.

2.3 Oxfordshire Public Rights of Way – no comments received.

2.4 South - Highways Liaison Officer (Oxfordshire County Council) – no comments received.

2.5 Environmental Protection Team – no objections but the applicant, if successful will need to apply for a site license to station the mobile home on the plot legally.

2.6 Neighbour views – 7 representations received that object on the following grounds:

- 2.7
- Planning permission expired months ago.
  - Temporary permission was granted because the site is within Green Belt. No justification provided as to why planning permission should be granted so no exceptional circumstances.
  - Planning conditions have not been adhered to with little action taken by SODC. The static caravan is almost twice the size of that approved and other unapproved structures have been installed. Grass and gravel have been removed and the site covered in paving which has a detrimental visual impact.
  - Site is in the Green Belt so no permanent residency should be granted.
  - If temporary consent granted, this should be in line with permissions on plots 7/8 and 12, i.e., until November 2027 when all three plots should be vacated at the same time and Kiln Lane returned to its original bridleway conditions.
  - Harmful impact on Kiln Lane due to size and position of the static caravan and associated structures that reduces rural amenity.

- The three gypsy/traveller pitches in Kiln Lane should be considered together, as they are all the same family. Permanency should not be granted as they all need to move to SODC permanent pitches.
- Loss of habitat and tarmacking of ancient bridleway.
- Policy E of Planning Policy for Traveller Sites states that traveller sites, both temporary and permanent, are inappropriate developments in the Green Belt.
- Previous applications for permanency have been consistently refused in Kiln Lane.
- Caravan overlooks Kiln Lane so little privacy.
- Large and small trade vehicles are in use on the plots which are likely to become numerous if permission was made permanent.
- There is frequent noise from the three plots which would become entrenched if permission was made permanent.
- All parties, even planning agents and lawyers acting for applicant, agreed that this development does serious damage to the Green Belt and would change character of Kiln Lane. Not like two houses at end which are more rural nature and do not use high walls, extensive block paving, or 24/7 lighting.
- The development is not in the local plan.
- The plot previously has mature trees and greenery. If plot was returned to the condition it was before temporary permission was granted, then trees and greenery would return, thereby attracting birds and animals.
- No control over the number of people staying which would create a lot of noise and traffic.
- Lovely bridle way ruined by large lorries and other vehicles using it. Also loud music and constant dogs barking.

**3.0 RELEVANT PLANNING HISTORY**

- 3.1 [SE20/149](#) - (30/11/2022) – Investigation into development not being carried out in accordance with conditions of planning permission granted on appeal (application ref: P17/S4216/FUL).
- 3.2 [P22/S0346/DIS](#) - Details Agreed (04/05/2022)  
Discharge of conditions 10 (surface water & foul drainage) and 13 (contaminated land) on application reference P17/S4216/FUL  
(Change of use of land as a private gypsy and traveller caravan site, consisting of a mobile home, a touring caravan, an amenity block and associated development).
- 3.3 [P19/S2752/DIS](#) - Approved (04/10/2021)  
Discharge of conditions 5 (Land Restoration) 9 (Amenity Block) 10 (Surface and Foul Drainage) 12 (Landscaping) 13 (Risk of Contamination) on planning application P17/S4216/FUL  
Change of use of land as a private gypsy and traveller caravan site, consisting of a mobile home, a touring caravan, an amenity block and associated development.
- 3.4 [P17/S4216/FUL](#) - Refused (25/05/2018) - Appeal allowed (01/07/2019)

Change of use of land as a private gypsy and traveller caravan site, consisting of a mobile home, a touring caravan, an amenity block and associated development.

- 3.5 [P16/S0784/FUL](#) - Withdrawn (21/09/2017)  
Pitch for mobile home/caravan. (As amended to re-site the proposed mobile home).
- 3.6 [SE13/133](#) - (27/08/2013)  
Unauthorised engineering work.
- 3.7 [WE10/086](#) - (07/11/2012)  
Caravan being moved onto the land in Kiln Lane without planning permission
- 3.8 [WE09/116](#) - (27/08/2009)  
Development not in accordance with P08/W1126/RET - mobile home larger than permitted under condition 4 of planning permission.
- 3.9 [WE08/253](#) - (05/12/2008)  
Caravan sited and used residentially
- 3.10 [P84/N0550/R](#) - Appeal allowed (10/09/1985)  
Retention of a caravan

#### 4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The development does not come under one of the specified developments in the Environmental Regulations 2017 and so an environmental impact assessment is not required.

#### 5.0 **POLICY & GUIDANCE**

##### 5.1 **Development Plan Policies**

###### South Oxfordshire Local Plan 2035 (SOLP) Policies:

STRAT1 – The Overall Strategy

STRAT6 – Green Belt

H14- Provision for Gypsies, Travellers and Travelling Showpeople

ENV1 – Landscape and Countryside

DES1 – Delivering High Quality Development

DES2 – Enhancing Local Character

DES6 – Residential Amenity

##### 5.2 **Neighbourhood Plan**

Garsington Neighbourhood Plan has been to an examination. On the 1 July 2024, the District Council recommended that the plan proceed to referendum. In accordance with paragraph 48 of the NPPF, significant weight can be attributed to the policies of the plan. The relevant policies are:

Policy GARS2 – Footpaths, Bridleways and Cycleways (as recommended for amendment by the examiner).

Policy GARS4 – Settlement Identity (as recommended for amendment by the examiner).

Policy GARS7 – Design Guidance (as recommended for amendment by the examiner).

**5.3 Supplementary Planning Guidance/Documents**

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

**5.4 National Planning Policy Framework and Planning Practice Guidance**

**5.5 Government Planning Policy for Traveller Sites 2015**

**5.6 Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application, the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

**6.0 PLANNING CONSIDERATIONS**

6.1 The relevant planning considerations are:

- **Whether the development would be inappropriate development in the Green Belt**
- **Whether very special circumstances exist that amount to material considerations that outweigh the harm to the Green Belt**
- **Other matters**

**Inappropriate development**

6.2 The site is located in the designated Oxfordshire Green Belt. The application seeks the removal of conditions 1 and 4 relating to the temporary occupancy by specific persons as a gypsy/ traveller site, thus making the use permanent and for use by any gypsy or traveller.

6.3 The Inspector who determined the appeal in July 2019 that granted the original temporary permission considered that the development was inappropriate development that harmed the openness of the Green Belt. Consequently, it was in conflict with the NPPF and the policies of the then local plan policies that sought to protect the Green Belt from inappropriate development.

6.4 The development remains inappropriate development that conflicts with the NPPF and current local plan policies. As noted in the Inspector's decision, substantial weight must be attributed to this harm.

- 6.5 The NPPF and Policy STRAT6 are clear that inappropriate development will only be permitted where very special circumstances can be demonstrated. Policy E of the Planning Policy for Traveller Sites (PPTS) states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. These very special circumstances, as claimed by the applicants, are considered below.

### **Very Special Circumstances**

- 6.6 The onus is on the applicant to demonstrate that very special circumstances (VSCs) exist. It is then for the Council to determine whether the information submitted is sufficient to amount to material considerations that outweigh harm to the Green Belt. With this application, the removal of the conditions is being sought so that the permission can be made permanent and non-personal, meaning that the site could be used by any gypsy/traveller. The agent acting for the applicant has subsequently stated that the applicant would be content with a permanent, personal permission.
- 6.7 In respect of personal need and circumstances, the Inspector who granted temporary permission in 2019 found that the personal need and circumstances of the applicant and his family, at the time, attracted significant weight. It was also the case that the Inspector found that the lack of a five-year supply of sites and the lack of alternative sites carried important weight. Additionally, it was considered by the Inspector that the modest size of the development and its sustainable location in relation to the settlement of Garsington, attracted some weight. However, the Inspector concluded whilst general need and personal need are important factors in accordance with the Planning Policy for Traveller Sites (PPTS) and subject to the best interests of the child, they do not justify permanent harm to the Green Belt. Consequently, the avoidance of permanent harm to Green Belt was sufficient to alter the balance of considerations in favour of granting the temporary permission.
- 6.8 It is claimed that the applicant and their now 5 children, live on the site with no alternative site available to them. One of the children also has significant health problems and continues to be under the care of Great Ormond Street Children's Hospital. Medical information has been provided that shows that whilst the child is in much better health than was the case previously, the child is still under the care of Great Ormond Street Children's Hospital. It is also claimed that three of the children are settled in a local school and nursery. Again, evidence has been submitted from the school which demonstrates this to be the case. It is, therefore claimed the best interests of the children attract substantial weight.
- 6.9 It is also claimed that that the appeal decisions for plots 7/8 and 12 Kiln Lane in November 2022, where unmet need and lack of 5-year supply for gypsy/traveller sites was determined to exist by the appeal inspector, attracts substantial weight.
- 6.10 Reference is also made by the applicant's agent to the Court of Appeal decision on 31/10/2022 in relation to the Lisa Smith case (*Lisa Smith V SOSLUHC et al* [2022] EWCA Civ 1991). This judgement of the court was that the 2015 definition

of gypsy/travellers in the PPTS was unlawful. It artificially reduced the overall need for sites because it excluded from the definition of Gypsies and Travellers those who had permanently ceased travelling as a result of, amongst other things, disability or old age. As the Council published 2018 Gypsy, Traveller and Showpeople Accommodation Assessment (GTAA) relies on this unlawful definition, it is claimed that the unmet need for sites in the district is much higher than assessed. It is therefore claimed that this adds further weight in the planning balance that this application be approved.

- 6.11 The applicant's claim that all these factors taken together, clearly outweigh harm to the Green Belt and other harms, so as to amount to very special circumstances that justify planning permission being granted for a permanent traveller permission.
- 6.12 When considering the claims, it is true that case law and previous appeal decisions do acknowledge that the best interests of children does attract substantial weight when considering whether VSCs exist. The applicants have also submitted an appeal decision in another LPA area which they claim underpins their case for a permanent consent to be granted. (However upon careful examination of this appeal, it is not considered that it is comparable to this application. It relates to a site in the Green Belt in Bromsgrove where temporary permissions have been granted to the same family for over a 19-year period and that is not the situation here).
- 6.13 Apart from the appeal decision that granted temporary consent in relation to Plot 9, it is considered that the appeal decisions in relation to Plots 7/8 and Plot 12, Kiln Lane, Garsington are also material considerations in the determination of this application, given the proximity of those sites, the relative recentness of the decisions and the familial relationship those occupiers have with the applicant and his family on Plot 9. Plot 12 is a site occupied by the applicant's brother and his family whilst the applicant's father and sister occupy Plot 7/8.
- 6.14 In the appeal decisions for those sites, temporary and personal consents were granted for 5 years from 2022 until November 2027 for both sites. In the planning balance, the Inspector attached limited weight to the unmet need identified in the Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) published in June 2017 and moderate weight to the sustainable location of the appeal sites. However, he did attach significant weight to the lack of alternative sites and significant weight to the personal circumstances of the respective appellants. In his judgement the best interest of the children was a primary consideration that inherently carried more weight.
- 6.15 However, because of the impact on the Green Belt and the consistency of decisions with regard to other sites in Kiln Lane where only temporary consents were ever granted, he concluded that a temporary consent for 5 years was appropriate as the harm by reason of inappropriateness any other harm to the Green Belt, although no less severe, would only be for a temporary period. It was his view that apart from providing stability for the respective appellants and their families, it would also provide time for the Council to complete its work on identifying alternative sites and for those sites to be delivered.

- 6.16 The NPPF advises that inappropriate development should not be approved except in very special circumstances. Such circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.17 It is clear that the harm caused by inappropriateness and on the openness of the Green Belt amounts to substantial weight.
- 6.18 However, as determined by the Inspectors in the recent appeal decisions in 2022, there is ongoing unmet need for sites within the district and the lack of alternative sites for the applicant and his family to go to. The Council, in conjunction with neighbouring Oxfordshire Authorities, are working on a revised GTAA which will take into account any additional need generated by the revised definition of Gypsy/Travellers, in accordance with the Appeal Court decision. In the meantime, it is considered that the ongoing unmet need for sites and the lack of alternative sites for the applicant to relocate to, carry significant weight in favour of the application.
- 6.19 Policy E of the PPTS states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. The applicants have submitted medical and educational information that demonstrates the children have medical and educational needs that would benefit them staying at the current location and this carries substantial weight in favour of the application. It is also considered, as noted by the 2019 appeal decision, the site is within a reasonable distance of services and facilities to which moderate weight can be attached.
- 6.20 Consequently, when these factors are taken together, it is considered that very special circumstances do exist.
- 6.21 The application initially sought the removal of conditions to enable a permanent, non-personal permission to be granted. They have subsequently stated that they would be content with a permanent, personal permission. However, as noted by the appeal decisions of 2022 in relation to plots 7/8 and 12, consistency is an important element of decision making and previous Inspector decisions in relation to the other sites as regards temporary permissions are also important material considerations to be taken into account.
- 6.22 Consequently, it is considered that another temporary, personal permission is appropriate, so that the harm to the Green Belt and countryside generally would only be for a temporary period. The site would also be required to be restored at the end of the period which would repair the harm to the character and appearance of the area.
- 6.23 A temporary permission would also allow the applicant's children to attend the same school until an alternative site is found. A temporary permission would be in the best interests of the children, which as noted by previous Inspectors, is a primary consideration that carries substantial weight. A temporary permission will



also allow the Council to conclude its GTAA assessment and find alternative sites.

- 6.24 The Inspector who determined the appeal in 2019 concluded that over a temporary period the harm identified would be clearly outweighed by other considerations including the personal circumstances of the appellant and the needs of the children, The appeal Inspector in 2022 considered that a temporary permission to November 2027 for plots 7/8 and 12 was appropriate for similar reasons. It is considered that a temporary permission in relation to plot 9 would also be appropriate due to the very special circumstances that exist. And again, being consistent with those fairly recent appeal decisions, it is considered that a temporary permission should also expire on the same date as those permissions, i.e., 3 November 2027.
- 6.25 A temporary personal permission would not unduly interfere with the human rights of the applicant. As noted by the Inspector in the 2019 appeal decision with regard to this site, whilst there would be some interference with Article 8 rights in preventing the use of the site as a permanent settled base, this would not be severe and is necessary and proportionate in the circumstances. Moreover, the public interest cannot be protected by a means that is less interfering with the family's rights.

### **Other Matters**

- 6.26 Notwithstanding the impact on the Green Belt and whether very special circumstances exist that overcome those impacts, there are also other matters that need to be considered, some of which have been raised by objectors.

#### Impact on character and appearance

- 6.27 Policy ENV1 – Landscape and Countryside – states that the landscape, countryside and rural areas would be protected from harmful development and would only be permitted where it protects and where possible, enhances that contribute to the nature and quality of the landscapes. Policy DES1 – Delivering High Quality Development – requires development to be of high-quality design, that amongst other things, uses land efficiently whilst respecting existing landscape character; respects local context including scale, height, density, grain, massing type and details of the surrounding area.
- 6.28 Policy DES2 – Enhancing Local Character – requires all new development to be designed to reflect the positive features that make up the character of the local area and enhance and complement the surroundings.
- 6.29 Neighbourhood Plan Policy GARS4 – Settlement Identity – requires development proposals to preserve the character of Garsington as a unique settlement.
- 6.30 Neighbourhood Plan Policy GARS7 – Design Guidance – requires new development to meet key design objectives for delivering high quality developments as set out in the design principles of the South Oxfordshire Design

Guide and also demonstrate good quality design and respect the character and appearance of the surrounding area.

- 6.31 Whilst the site is located close to the settlement boundary, it is nonetheless, within the defined rural area. The 2019 appeal decision that granted temporary consent did so on the basis of the submitted plans at the time. The Inspector took the view that to limit any harm to the character and appearance of the area, it was necessary to restrict the number and size of caravans and vehicles on the site and prevent commercial activities and require approval from the Council over the size and design of the amenity block. Conditions were imposed that sought to do this.
- 6.32 The development has taken place and is ongoing. It is considered that the imposition of the same or revised conditions could achieve the same effect in limiting the harm to the character and appearance of the area.

Impact on the bridleway by increased traffic

- 6.33 Objectors have complained about the tarmacking of the bridleway and the number of lorries and commercial vehicles that use it arising from the occupiers of plots 7/8, 9 and 12.
- 6.34 Neighbourhood Plan Policy GARS2 – Footpaths, Bridleways and Cycleways – states that developments should respect and conserve the parish’s footpaths and bridleway.
- 6.35 Kiln Lane is a designated bridleway that is a private road. Some years ago the bridleway was tarmacked and it was claimed by the occupiers of Plots 7/8, 9 and 12 that this was done for maintenance purposes. The Council has no control over roads being maintained, particularly if it is private. As for the use of the bridleway by commercial vehicles, a previous condition of the permission granted in 2019 with regard to this application site, stated that no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site (Condition 7 refers). However, this does not preclude smaller vehicles from being parked on the site. Nonetheless, it is proposed to reimpose the same condition with regard to this application which should help control the use of Kiln Lane by larger vehicles.

Amenity of local residents

- 6.36 Policy DES6 – Residential Amenity – requires development to demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, when considering impacts in relation to such matters as loss of privacy, daylight and sunlight, dominance or visual intrusion, noise and vibration, smell pollution and external lighting.
- 6.37 Some objectors have complained about noise and loud music but it is not clear if this arises solely from Plot 9 or from Plots 7/8 and 12 as well. There are also complaints about the lack of privacy to users of Kiln Lane and concerns about the number of people that actually occupy the site. However, no actual evidence has been passed to the Council that directly links plot 9 to these complaints. It

appears that the complaints raised involves all three plots and not specific to Plot 9.

- 6.38 Consequently, it is not considered that this matter is a sufficient material reason to refuse a temporary consent on this site, when weighed in the balance against the other material considerations in favour of the application.

#### Conditions

- 6.39 Objectors have questioned whether the conditions that the 2019 appeal decision have been complied with and why the Council has not enforced compliance, not only in relation to Plot 9 but also plots 7/8 and 12.
- 6.40 The appeal decision in 2019 granted a temporary and personal permission subject to 13 conditions of which several were pre-commencement conditions whereby details had to be submitted that had to be discharged prior to the commencement or use of the development. All pre-commencement conditions have been discharged.
- 6.41 However, it does not appear that Condition 3 has not been complied with in that the development has not taken place in accordance with the approved plans nor has the requisite visibility splays been provided are required by Condition 11.
- 6.42 It is recommended that the conditions that have not been implemented be re-imposed. These can then be enforced where relevant although it should be noted the applicants have the prerogative to vary or remove these. The regulations as regards S73 applications also permit additional conditions to be applied if necessary.
- 6.43 As regards plots 7/8 and 12, the enforcement of conditions relating to those sites are not a consideration for this application. It is accepted that the Council have the power to enforce compliance but this is on a case by case basis. However, it should be noted that the permissions on all three sites are for a temporary period with the intention that the developments will cease and be removed.

#### **7.0 PLANNING BALANCE AND CONCLUSION**

The harm to the Green Belt, both definitionally and harm to its openness, attracts great weight. Balanced against this is the personal circumstances of the applicant, particularly that of the children, the lack of a five-year supply of pitches and the lack of an alternative site. Consequently, taking into account the best interests of the children, the applicant's human rights, his and his family's right to pursue a travelling lifestyle and the Public Sector Equality duty, it is recommended that planning permission be granted.

- 7.1 However, for consistency reasons, the decisions of the Inspector who granted temporary planning permission for the neighbouring plots at 7/8 and 12 for similar reasons are also material considerations that have to be taken into account. Therefore, in accordance with those decisions, it is recommended that a

temporary, personal permission be granted to coincide with and end on the same date i.e., 3 November 2027.

- 7.2 Another temporary, personal permission is appropriate, so that the harm to the Green Belt and countryside generally would only be for a temporary period. The site would also be required to be restored at the end of the period which would repair the harm to the character and appearance of the area.

**8.0 RECOMMENDATION**

**To grant planning permission subject to the following conditions:**

- 1. The occupation of the site hereby permitted shall be carried on only by Mr James McDonagh and his wife Lena Lawrence and their resident dependents, and shall be for a limited period, which shall end on the 3 November 2027.**

**Reason:** In order to have regard to the special circumstances of the applicants and to ensure the Oxfordshire Green Belt is not permanently harmed by the development in accordance with Policies STRAT6 and the National Planning Policy Framework.

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

**Reason:** To ensure that the site is only occupied by only those with a protected characteristic as defined by the Planning Policy for Traveller Sites.

- 3. The development hereby permitted shall be carried out in accordance with the Site Location Plan, Drg No 01743/10 Rev 2 and Site Development Scheme, Drg No 01473/1 Rev 3, unless amended by details submitted and approved by the Local Planning Authority.**

**Reason:** To secure the proper planning of the area in accordance with Development Plan policies.

- 4. When the land ceases to be occupied by those named in condition 1) above, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought onto the land or works undertaken to it in connection with that use shall be removed in and the land restored in accordance with the details submitted and approved by local planning authority in application ref: P19/S272/DIS, in accordance with the Statement in Support of Discharge of Conditions.**

**Reason:** To ensure the site is returned to its previous condition before the development took place.

5. There shall be no more than one pitch on the site and on this pitch no more than two caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended ( of which no more than one shall be a static caravan)), and one amenity block.

Reason: To secure the proper planning of the area in accordance with Development Plan policies.

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

Reason: To protect the character and appearance of area in accordance with Development Plan policies.

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

Reason: To protect the character and appearance of area as well neighbouring residential amenity in accordance with Development Plan policies.

8. The amenity block shall be constructed in accordance with the details approved by the Local Planning Authority under discharge application ref: P19/S2752/DIS in accordance with drawing 2752/Site and the details mentioned in the decision letter dated 4/10/2021.

Reason: To secure the proper planning of the area in accordance with Development Plan policies.

9. The surface and foul water drainage works to be completed and maintained throughout the life of the development in accordance with the details approved by the Local Planning Authority in application ref: P22/S0346/DIS, Foul and Surface Water Drainage Plan Dag 2752 – Foul & SW.pdf, Foul Water Approval email.pdf, and the details mentioned on the decision letter dated 4/05/2022.

Reason: To ensure the provision and maintenance of surface and foul water drainage in accordance with policy EP4 of the South Oxfordshire Local Plan 2035.

10. The development shall not be brought into use until vehicular visibility splays of 2.4m x 2m in either direction have been provided from the new access. There shall be no obstruction to visibility within these splays exceeding 0.9m in height above the adjacent

**carriageway channel. Such visibility splays shall thereafter be retained.**

**Reason: In the interest of highway safety in accordance with Policy TRANS5 of the South Oxfordshire Local Plan 2025.**

**11.The landscaping scheme as approved by the Local Planning Authority in application ref: P19/S2752/DIS, shall be carried out and maintained as shown on dwg no: 2752/Site throughout the life of the development.**

**Reason: To help to assimilate the development into its surroundings in accordance with Policies ENV1, DES1 and DES2 of the South Oxfordshire Local Plan 2035.**