

Combined PLANNING APPEAL STATEMENT and DRAFT STATEMENT of COMMON GROUND

Land at Downsview Paddock New Hall Lane Small Dole BN5 9YJ

Proposed settled gypsy accommodation site comprising 1 pitch

Introduction, the site and context:

This appeal statement sets out the general grounds in favour of the proposed development. The Pear Tree Farm, similarly Horsham Council, recent allowed gypsy appeal decision with full costs award are included as background documents.

In short the current appeal, being immediately adjacent to the settlement boundary, is more sustainably located than Pear Tree Farm and similarly meets all the applicable criteria in the Planning Policy Statement for Traveller Sites. (PPTS)

The appeal is advanced on grounds that planning permission should be granted.

Any **Traffic light underlining** and bold typeface throughout have been added for emphasis where applicable with relevance to the appeal proposal. The sole reason for refusal is reproduced below and addressed within the main body of this appeal statement.

Appeal rebuttal.

This appeal statement works through in a logical sequence matters of common ground (*whilst the appeal is proceeding by way of written representations to ensure a quicker decision, this remains a useful starting point*); consideration of the Pear Tree Farm gypsy pitch officer recommendation to approve the application; the general approach to sustainability in relation to traveller site decisions and comparison to other permitted traveller sites in relation to proximity to local services and facilities including the Council's sole own traveller site at Cousins Copse which is more remote from local services and facilities and with restricted access to sustainable transport modes than the current proposal.

The appeal site

The site where the development (change of use of land) is proposed is flat and not readily visible from public vantage points being screened by the adjoining mature boundary trees and hedging.

The site is sustainably located in relation to all local services and facilities required for day to day living at Small Dole and Henfield. **Of all the successful traveller appeals I've been involved in over the years this is one of the most sustainably located.**

In terms of the narrower considerations of sustainability covering access to transport links and facilities, the site is in a sustainable location being well related to bus stops; railway stations, convenience stores and schools with medical facilities further away. The distances to facilities are not excessive.

The officer report from the Pear Tree Farm gypsy site application is included below to assist with Council policies.

The appellant is agreeable to the suggested conditions.

DRAFT STATEMENT of COMMON GROUND

1. The designation of the land is **non-Green Belt** countryside.
2. The land is not covered by any other designations
3. The proposal relates to a change of use of the land as opposed to operational development
4. The Council has recently prepared a Gypsy, Travellers and Travelling Showpeople Accommodation Assessment which identifies there is a **substantial unmet need**; **Policy 21** of the HDPF: 'Gypsy and Traveller Site Allocations' makes **provision for 39 net additional permanent residential pitches for Gypsies and Travellers within the period 2011-2017 in order to fulfil the backlog of unmet need** identified through the Council's current Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (2013).
5. Significant weight should continue to apply **to unmet need and the lack of a five-year supply**.
6. The site is in a rural locality punctuated by sporadic residential properties
7. The site is surrounded by hedgerows and trees providing excellent screening.
8. The proposal itself by reason of the caravans' single storey nature and juxtaposition to the boundaries is not considered to have a significant unacceptable effect on the amenities enjoyed by the occupants of neighbouring properties.
9. Adequate vehicular turning space exists within the site
10. There are no records of accidents within the vicinity of the site.
11. The site is not within a Flood Zone

Signedon behalf of Horsham District Council; Date.....

Signedon behalf of appellant; Date.....

In addition to the common ground points highlighted above we acknowledge, agree and applaud the extracts from the officer report below which had recommended planning permission for the proposal; **those points highlighted green represent additional appeal common ground.** It is further confirmed that there is no objection to any of the suggested planning conditions.

TO: Planning Committee South

BY: Development Manager

DATE: 19th September 2017

DEVELOPMENT: Proposed settled gypsy accommodation site comprising 3 pitches and associated utility building

SITE: Land To The Rear of Pear Tree Farm Furners Lane Woodmancote West
Sussex BN5 9HX

APPLICATION: DC/17/1374

REASON FOR INCLUSION ON THE AGENDA: More than 8 representations have been received of a contrary view to the Officer recommendation.

RECOMMENDATION: To approve planning permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks consent for the subdivision of the site, which was formerly in agricultural and equestrian use, to form 3 gypsy pitches, including the erection of three utility buildings. These utility buildings would provide a 'dayroom' with bathroom, and would be provided with windows and door openings.

1.3 The proposal has been amended as part of the application process to reduce the proposal from 4 to 3 pitches and to retain a 15m wide buffer strip alongside the eastern boundary to provide a buffer with the adjacent Ancient Woodland.

1.4 Vehicular access would be retained as per the existing arrangement and site parking for vehicles and touring vans would be provided along the southern side of the site, where the existing access track enters the site in the south-western corner.

1.5 As part of the proposal, the existing stables on the site would be removed.

DESCRIPTION OF THE SITE

1.6 The application site comprises a level area of land that is set in a rural area, some 850m east of the Henfield Built-Up Area Boundary. The site is accessed off a single-track lane that serves a number of other residential and farm properties, and which is also a designated public footpath (2540). It would appear that Furners Lane is a private track, with the County Council maintained area extending approximately up to the Henfield Built Up Area boundary line (BUAB). An overhead line passes directly overhead across the site in a north-south direction, with a pylon being sited on land to the south of the site.

1.7 Planning history indicates that the site has an agricultural history having been used in association with an orchard. More recently, two stable buildings comprising a tack room and 5no stables was erected on the site in 1999, stated to be in a location similar to the former agricultural barn that stood on site in connection with the orchard. Retrospective permission was granted for the new stable blocks subject to a number of conditions including that they be used for private / domestic use only and not for commercial equestrian purposes (HF/37/99).

1.8 Access into the site passes through a yard that is currently known as 'Pear Tree Farm' which is used for tyre storage and is occupied by a green profile-sheet barn, set directly to the south of the vehicular site access. The application site and adjoining fields are fenced with rustic post and rail fences and divided into paddocks, which appears to be part of the adjacent residential property at Turnham's Gill.

1.9 The site is currently occupied by two timber stable buildings and shipping containers set around a circular gravel driveway. The site has recently been used by a number of touring caravans which are to accommodate workers currently employed at the RAMSAR site, due to be removed in October 2017, when the works are expected to be completed.

1.10 The eastern edge of the site extends into an area of Ancient Woodland, and 142m to the east is a Grade II listed building Little Bylsborough.

RELEVANT NEIGHBOURHOOD PLAN

2.4 The Henfield Neighbourhood Plan has been quashed following a High Court ruling, and so far, there has been no further action on the Neighbourhood Plan.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/1401 Prior Approval for Change of Use falling within Class B8 (storage or distribution centre) to dwellings (C3 Use Class) **Prior Approval Required and PERMITTED on 31.08.2017**

DC/07/2006 Change of use of approx 180 square metres of agricultural land to hardstanding for private equestrian use of site (Retrospective) **Application Permitted on 24.10.2007**

HF/103/02 Certificate of lawful development relating to the commercial storage of up to 600 used tyres for subsequent distribution **Application Permitted on 12.05.2003**

HF/37/99 Retention and completion of 5 stables and tack room **Application Permitted on 15.06.1999**

INTERNAL CONSULTATIONS

3.2 Strategic / Policy: Comment:-

- The site was not put forward under the call for sites in May 2016;
- Work continues on the Council's Site Allocation Development Plan Document and therefore, **the Council is currently unable to demonstrate an up-to-date 5-year supply of deliverable sites – Policy HDPF21;**
- The site's location would be heavily reliant on car-based modes of transport for most journeys to local services and community facilities – Policy HDPF23;
- The proposal would need to be weighed accordingly in terms of the favourable provision of the additional gypsy pitches against the potential impact on a rural location and distance from nearest educational and community facilities – Policy HDPF23.

OUTSIDE AGENCIES

3.3 Southern Water: No objection.

3.4 West Sussex Highways: No objection, conditions / informatives are suggested concerning car parking spaces being secured in line with the submitted plan and details required to demonstrate the on-site provision of a waste collection / fire service turning space.

3.5 Woodland Trust: No objection (following revisions):-

- The reduction to 3 pitches ensures retention of previously advised 15m buffer zone alongside Ancient Woodland, in order to maintain adequate distance between the Ancient Woodland and the 'development' minimising the risk of lopping/ felling or reduction of the woodland canopy, thus securing a long-term retention of trees.
- Ensuring development stays outside of the buffer zone would reduce threats arising from increased surface water run-off and other changes to the hydrology
- Conditions to secure the buffer zone remain clear from any development, including hard-standing would be encouraged
- In the event of this area being used for grazing then adequate fencing and a landscaping buffer strip to prevent animals straying into the woodland would be advised.

6. PLANNING ASSESSMENTS

Background

6.1 In 2015, the government published its 'Planning Policy for Traveller Sites' (PPTS) to be read alongside the NPPF. Policy H of the guidance relates to the determination of planning applications for traveller sites, stating that applications should be assessed and determined in accordance with the presumption in favour of sustainable development. The PPTS states, at Paragraph 27, if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites **this should be a significant material consideration in any subsequent planning decision when considering applications** for the grant of temporary planning permission.

6.2 The Horsham District Planning Framework (HDPF) through Policy 21, Gypsy and Traveller Site Allocations, makes provision for 39 net additional permanent residential pitches for Gypsies and Travellers within the period 2011-2017. Policy 21 also states that the Council will make provision for further pitches over the rest of the Plan period from 2017 to 2031 in a Site Allocations DPD. A call for Gypsy, Traveller and Travelling Showpeople sites was undertaken early in 2016. The Council is in the early stages of developing its Site Allocations document and is actively assessing sites and accommodation needs within the District. This site was not put forward as part of that exercise.

6.3 A number of sites allocated through Policy 21 of the HDPF have yet to come forward and **the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites. This is a significant consideration which weighs in favour of granting planning permission for the proposed development,** subject to compliance with other relevant policies of the HDPF.

Sustainable Development

6.4 Policy 23 of the HDPF requires that sites are served by safe and convenient pedestrian and vehicular access, and should not result in significant hazard to other road users. Furthermore, there is an expectation that sites are located in or near existing settlements, within reasonable distance of a range of local services and community facilities, such as schools and essential health services.

6.5 The site is approximately 830m outside of the settlement edge of Henfield, **where there are a good range of public services available including schools, shops and some public transport** (measured along the route of Furners Lane). **At less than 1km the distance is considered to be walkable and within 'sustainable' guidelines.** Whilst the existing lane may not be provided with pavements the level of traffic is considered to be of a moderate level, **with the lane noted as being a designated public right of way / footpath, anticipating a level of foot traffic.** The private lane is not a through road, thus potentially limiting the traffic using the lane to that connected with the properties and lands accessed off the lane, rather than general through-traffic.

6.6 In this instance, given the location of the site, the nature of the lane, the designation as a public footpath and the existing private stable and storage uses at the application and wider Peartree Farm site, the proposal is, on balance, considered to comply with the overall criteria set out under policy 23 of the HDPF.

Character of the Area

6.7 The importance given to the continued protection of rural areas remains a key policy objective in assessing new gypsy and traveller sites. The PPTS, at paragraph 25, states that Local Planning Authorities should 'very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the

development plan'. Furthermore, it advises that any sites in rural areas respect the scale of, and do not overdominate the nearest settled community.

6.8 In this instance, the nearest 'settled community' would be that of the village of Henfield, 840m to the west of the site. The intervening Lane includes a number of residential and farm properties. **The scale of the proposal, amounting to 3 pitches, would not be considered to overdominate the wider character of the area, which as existing is marked by sporadic residential development.**

6.9 Policy 23 of the HDPF: 'Strategic Policy: Gypsy and Traveller Allocations' confirms that for planning applications on non-allocated sites there must be no significant barriers to development that exist in terms of flooding, drainage and ground stability; that the site is served by a safe and convenient vehicular and pedestrian access; that the site has essential services; that the site is located in or near to existing settlements and that the development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties.

6.10 It is recognised, taking account of the associated 'development' required to provide each pitch with the necessary elements of open space, privacy, amenity blocks, space for touring vans / trailers, cars and other domestic accoutrements, that the level ground conditions and the open boundaries which exist at the application site would become more enclosed as a result of the proposed development. This would change the character of the site from what currently appears as a rural stable yard to a more 'developed' site.

6.11 The site is, however, **set back from public views by distances of approximately 107m to Furners Lane in the south and approximately 140m to the public footpath to the east**, with intervening landscaping features, sloping topography and built development. There is considerable scope to enhance soft landscaping around the site to reduce the visual impact of the development, and details of a scheme are proposed to be secured through condition.

6.12 Paragraph 26 of the PPTS advises Local Planning Authorities to attach weight to the following matters when considering new gypsy site proposals:

- a) effective use of previously developed (brownfield), untidy or derelict land;
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

6.13 The proposal would broadly accord with the above criteria. It is considered that as a result of the existing use and development at the site, the modest level of accommodation being proposed and the inconspicuous nature of the site and immediate surroundings would

mitigate the visual impact such that there would only be limited harm to the prevailing character of the countryside.

6.14 It is noted that a grade II listed building 'Little Bylsborough' is sited some 132m to the east of the application site. However, owing to the intervening band of trees, some 30m wide, and other landscaping features, there would be a limited direct visual link between the application site and the listed property. *As such there would be no adverse impact on the setting of Little Bylsborough and there is no conflict with Policy 34 of the HDPF.*

Impact on Neighbouring Properties

6.15 Policy 33 of the HDPF requires that development is designed to avoid unacceptable harm to occupiers of nearby land and property, for example, through overlooking or noise.

6.16 With regard to the impact of the proposed development on neighbouring occupiers, it is noted that the nearest residential property Turnham's Gill is some 80m to the west of the site. Although the wider lands of this property adjoin the application site, the actual property outlook is screened by a reasonably dense row of vegetation some 54m west of the application site boundary. *It is therefore considered that the proposed development would lead to limited visual harm occurring to the outlook of the occupants of the nearest neighbouring residential property.*

6.17 Reference is made to the southern part of Peartree Farm, where Prior Notification has recently been approved for the conversion of the storage barns to form 2x2-bed dwellings and 1x3-bed dwelling. At part of the Prior Notification approval, there is no indication of private amenity spaces, defined curtilages or parking provision for the proposed conversion. It is considered that limited consideration can be given to the potential impact on the resulting residential amenities of the converted barns as this development has not yet commenced on site.

6.18 It is acknowledged that there are further properties which share the private access track Furners Lane, but *the proposal would yield limited direct and detrimental harm in terms of loss of light, outlook and privacy on neighbouring residential amenities.*

Highways

6.19 The site would be accessed from an existing vehicular access off Furners Lane which currently serves the property and the 'host' site Pear Tree Farm, and which lies off a privately maintained single-track lane with occasional passing places formed by field and property entrances. **The proposed development is considered to generate a low trip rate which would not be deemed as having a 'severe' impact on the highways network. The Local Highway Authority has therefore raised no objection to the proposal and there are no reasons to take a different view.**

Other Matters

6.20 *The reduction to the proposed number of pitches at the site has allowed the creation of a buffer zone along the edge of the ancient woodland, resolving concerns of the Woodland Trust. A condition is recommended to secure the future retention of this 'buffer zone'.*

Conclusion

6.22 The Council cannot currently meet the identified gypsy and traveller accommodation need or future need in accordance with policies 21, 22 and 23 of the HDPF. It is also recognised that the Council is still in the early stages of developing its Site Allocations document and is actively assessing sites and accommodation needs within the District, by way of the forthcoming DPD.

6.23 The site is located in a rural area, but is subject to a current level of 'development' on the site comprising two stable blocks and being adjacent to a commercial storage use. Although accessed via a private single-track lane and a designated public right of way / footpath the anticipated vehicular movements of the proposed 3no. settled gypsy pitches is not considered to result in a 'severe' impact on the public highway network, with accesses onto Furners Lane already established and functioning.

6.24 The resulting scale of development, given the siting and separation of the location from immediate adjoining properties and public views, would not over-dominate the wider pattern of development along Furners Lane. It is also considered that appropriate screening and landscaping could be used to enhance the site and its rural setting.

6.25 Overall, whilst there is some concern regarding its location in the countryside, approximately 830m from Henfield, no highway objections have been raised to its location. **It is considered that there would be a significant benefit of providing r gypsy / traveller accommodation within the District which would help meet the identified shortage of sites.** Given the proposed scale of the development currently being proposed this would lead to limited harm to the landscape character and environmental quality of the countryside. It is therefore considered that the need for the gypsy/traveller site is outweighed by the harm.

6.26 The proposal is therefore considered to be in line with local and national planning policies and is therefore recommended for approval subject to the conditions shown.

7. RECOMMENDATIONS

7.1 That planning permission be granted subject to the following conditions:-

1 A list of the approved plans.

2 **Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 Pre-Commencement Condition: No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

4 Pre-Commencement Condition: No development shall commence until existing storage containers, mobile homes / caravans and stable buildings have been removed from the land.

Reason: As this matter is fundamental in the interest of visual amenity and impact on the rural area in accordance with Policies 23, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

5 Pre-Commencement (Slab Level) Condition: No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 Pre-Occupation Condition: Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works, including fences, gates and areas of hardstanding, shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policies 23, 25, 31 and 33 of the Horsham District Planning Framework (2015).

7 Pre-Occupation Condition: The development hereby permitted shall not be occupied unless and until provision for the storage of refuse/recycling has been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8 Pre-Occupation Condition: Prior to first occupation (or use) of any part of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority, showing the location of a vehicle turning space sufficiently sized to accommodate waste/recycling vehicle, or that of the emergency / fire services. The development shall be implemented in accordance with the agreed details and shall thereafter be retained at all times for its designated use.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation on site for the stated vehicles clear of the public highway and in the interests of road safety, in accordance with Policy 40 of the Horsham District Planning Framework (2015).

9 Regulatory Condition: This permission does not authorise use of the land as a caravan site by any persons other than Gypsies and Travellers, as defined in Annex 1 of Planning Policy for Traveller Sites (Department for Communities and Local Government 2015).

Reason: To enable the Local Planning Authority to control the use of the site and in accordance with Policy 21, Policy 22 and Policy 23 of the Horsham District Planning Framework (2015).

10 Regulatory Condition: No more than 3 caravans (of static or mobile home type), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (or any Act revoking or re-enacting these Acts), shall be stationed on the site at any time.

Reason: To avoid an overcrowded appearance and to secure satisfactory standards of space and amenity in accordance Policy 33 of the Horsham District Planning Framework (2015).

11 Regulatory Condition: No industrial, commercial or business activity shall be carried on from the site, including the storage of materials.

Reason: In the interests of amenity and in accordance with Policies 26 and 33 of the Horsham District Planning Framework (2015).

12 Regulatory Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no additional gates, fences, walls, or other means of enclosure shall be erected or constructed on the site unless prior written permission has been granted by the Local Planning Authority.

Reason: In the interests of amenity in accordance with Policies 25, 26 and 33 of the Horsham District Planning Framework (2015).

13 Pre-Occupation Condition: No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason: In the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

14 Pre-Occupation Condition: There shall be no development, creation of hardstanding(s) or siting of caravans or other vehicles or structures within a 15m wide buffer strip alongside the eastern site boundary with the adjoining Ancient Woodland. In the event of this area of land being used for grazing or paddock land then fencing shall be provided to prevent straying into the adjacent woodland.

Reason: As this matter is fundamental to ensure the successful and satisfactory retention of an area of Ancient Woodland in accordance with Policies 23, 25, 31 and 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/1375

Additional appeal rebuttal

General appeal points

In addressing the sole reason for refusal it is germane to highlight and acknowledge that there is much common ground with the Council in respect of what is proposed. As can be seen in terms of a planning balance there is very little between the parties.

Respectfully the positive application discussions, the recommendation to permit and the manner in which other traveller site applications have been determined and approved give us little confidence or understanding as to why the Planning Committee (Council) has refused permission. As such there are no planning benefits arising, there remains little to be gained through the refusal and it is not considered that the matters are insurmountable.

There is a need to look at the proposal realistically and proportionately in respect of the context of the site.

Specific sustainability appeal points

National guidance approach

- The proposed development is sustainable development and accords with the NPPF guidance which acknowledges *“that sustainable development is about positive growth – making economic, environmental and social progress for this and future generations”*. Rt Hon Greg Clark MP, Foreword to NPPF.
- Paragraphs 6 – 15 of the NPPF outline the wider dimensions of sustainable development and the presumption in favour of sustainable development. It is strongly advanced that the proposed development meets each of these dimensions and that the starting point for consideration for the appeal is that in relation to the specifics of the proposal is that the development is sustainable in **both** the narrow and wider sense.
- On the basis of the agreed substantial unmet demand for traveller pitches; the combined effect of paragraphs 14 and 47 below of the National Planning Policy Framework are engaged:

14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

For **plan-making** this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are **out-of-date**, granting permission **unless:**

— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in this Framework indicate development should be restricted.

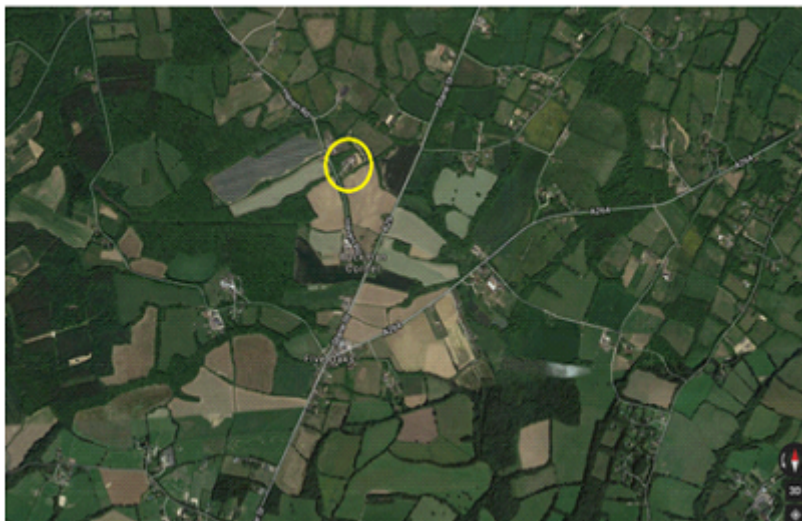
49. Housing applications should be considered in the context of the presumption in favour of sustainable development. **Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.**

Horsham specific approach

The site is well within benchmark 3km road distance of built up limits

Notwithstanding this point it is germane to highlight that the proposal site **is more sustainably located in related to facilities** than the Council's own traveller site at Cousins Copse, The Haven, Billingshurst West Sussex (pictured and circled yellow below).





Whilst each proposal is to be considered on its own merits **it is also important for there to be consistency in planning.** In this regard it is clear that other examples of where this approach has been accepted within the Council's administrative area include a recent appeal decision wherein the Inspector correctly acknowledges that in terms of planning balance, "[Whilst the proposal would conflict with some of the wording of the above policy, it would not be contrary to its underlying objectives](#)".

Appeal decision comparisons.

A search of the appeal decision register using the words 'gypsy' and 'sustainability' provides the following summaries. Almost without exception each appeal was allowed with the **consistent theme** highlighting the '**Weight given to the Council failure to identify sufficient sites**' and '**Noting the sustainability of a gypsy site to be considered more flexibly than conventional housing**'.

200-005-942

20-12-2016

WEALDEN

[View PDF](#)

Land at Five Badgers, Stonehurst Lane, Five Ashes, Mayfield

PARTLY ALLOWED, PARTLY DISMISSED

Retention of unauthorised gypsy site on land **with lawful agricultural and horse keeping use** in Area of Outstanding Natural Beauty (AONB) open countryside Appeal site contains two touring caravans, a day room, a toilet block, a stable and various items of domestic paraphernalia such as children's swings and play house. Limited harm to AONB acceptable for temporary period pending finalisation of gypsy site allocations policy and taking account of limited opportunity for sites in district constrained by national park and landscape designations. **Keeping of horses improves sustainability of site.**

200-005-784

17-11-2016

MALVERN HILLS

[View PDF](#)

Mountain View, Bastonford, Powick, Worcs

ALLOWED

Unauthorised gypsy caravan site on the edge of a hamlet in AONB countryside Extended family in 5 caravans with improved landscaping proposed. Noted fees not paid and previous

refusals. Considered caravans and paraphernalia were out of keeping, new landscaping bund inconsistent with the Landscape Conservation Area (LCA) and proposal would have a significant adverse visual impact on the surrounding area. **Likelihood of car travel to access services and facilities as determined the walkability and sustainability of the site was poor.** Vehicular access and MfS2 and DMRB methodologies discussed; deciding DMRB more appropriate and required splay could be met subject to Highways Authority maintenance of County Council verge and vegetation at junction. **Weight given to unmet need, lack of alternative sites** and personal circumstances including health and child education. 3 year temporary permission given.

200-005-132

27-06-2016

SOUTH GLOUCESTERSHIRE

View PDF

Land adjacent to Berwick Grange, Berwick Lane, Easter Compton, South Gloucestershire

DISMISSED

a) Unauthorised gypsy traveller site of one static caravan and two tourers b) 2 pitch gypsy site in semi rural Green Belt countryside Decided the caravans on the site, even with a softened boundary treatment, would be inappropriate, appear intrusive and reduce openness. **Discussion of the sustainability of the site with walkability to services and facilities noted**, however PPTS para 11 explained was the responsibility of Authorities to ensure. Gypsy Status considered as Council alleged elderly mother had ceased travelling so no longer complied but considered acceptable as part of extended family. **Weight given to the Council failure to identify sufficient sites** however noted appellants had voluntarily moved from an authorised site reduced weight to lack of alternative sites claim noting personal circumstances of children being bullied and health of mother. **However serious objections to the development and the harm to the Green Belt could not be overcome. Compliance varied to 12months.**

200-004-975

27-04-2016

CARLISLE

View PDF

Scotby Acres, Broomfallen Road, Scotby, Carlisle

ALLOWED

5 gypsy caravans on 4 adjacent pitches **fronting a single lane track leading to a road and existing dwellings nearby. Site sustainability established.** The former smallholding with stables lay within a valley basin in an urbanised rural countryside; decided there would be **only a moderate overall adverse effect on the character and appearance of the area.** Discussion of highway safety as although found the track dimensions and alignment would be adequate for the likely volume and type of traffic from the site, but concern of potential conflict between traffic and walkers, horse riders on the bridleway with risks of accident and poor enjoyment for walkers. Highway authority objection as a rule of thumb; a track accessing more than 5 dwellings should be brought up to adoptable standards but decided acceptable. Weight given to personal circumstances. Supply need considered as no public sites available and private sites 'unsatisfactory'; significant weight to need for small owner occupied sites.

200-004-744

26-02-2016

ASHFORD

View PDF

Field at grid reference 587945/140639 located south of Omenden Lane, Smarden, Ashford, Kent

ALLOWED

Unauthorised single gypsy pitch on site within a relatively flat landscape that comprised a network of fields and lanes. Noted previous decisions permitted 2 buildings to be used in

association with the keeping of horses. Considered the development and domestic paraphernalia harmed the character and appearance of the countryside and had resulted in car travel contrary to sustainability principles. However noted the well-screened nature of the development and the presence of other buildings in the yard limited this impact; **weight given to the identified need for sites**, personal circumstances of health, child education and likelihood of a return to roadside living. On balance found that the considerations in favour of the scheme outweighed the harm it would create. **Noted evidence of the slippage of policy adoption dates**, deciding a permanent permission appropriate.

200-004-738 24-02-2016 CHELMSFORD

[View PDF](#)

May Farm, East Hanningfield, Chelmsford, Essex

PARTLY ALLOWED, PARTLY DISMISSED

a) 2 pitch gypsy site b) Breach of 3 year temporary permission for an agricultural caravan. a) Two blocks of land in attractive Green Belt countryside outside village with limited services and facilities. Wenman judgement and July 2015 WMS considered; 5 year supply and WMS technical adjustment to NPPF para 49 and 159 discussed. Accessibility and Other Aspects of Sustainability considered, deciding a likelihood of car travel but acceptable and other sustainability benefits outweighed harm noting the lack of harm to area character and appearance of one plot **Weight given to a significant unmet need for sites, the lack of alternative sites**, personal circumstances and the infringement of human rights. However considered one plot would result in substantial and unacceptable material harm to the character and appearance of the area. b) Ground b) claimed but succeeded only to the extent that the enforcement plan should be corrected. Partial costs to Authority considering interpretation of Wenman

400-010-495 10-02-2016 MAIDSTONE

[View PDF](#)

Land adjacent to Roydon Farm, Pye Corner, Ulcombe, Kent

ALLOWED

7 gypsy pitches on a strip of pasture land in the Special Landscape Area (SLA) open countryside **1.2km from village** on a well enclosed site in relatively flat agricultural land, interspersed with hedgerows and woodland blocks. Decided the proposed development would be far from intrusive visually, and would be neither incongruous nor discordant and ample scope for landscaping to ensure that the site was well integrated into the landscape. **Weight given to the reasonably well located site in sustainability terms, and accepted a need for further pitch provision in the Borough.**

200-003-654 28-05-2015 MALDON

[View PDF](#)

Captains Wood Road, Great Totham

ALLOWED

Single gypsy pitch in Special Landscape Area (SLA) countryside, designated as a Wooded Farmland Area, 500m from settlement boundary. Notes only restricted views of site available, to be further mitigated by planting and overall considers proposal would maintain the character of the wider landholding. **The sustainability of the location was discussed with facilities and services separated by 1km and 1.5km from site and the absence of a footpath or street lighting. However determined that the appeal site was situated within a 500m comfortable walk of a bus stop which provided services to a number of destinations and accessibility by bicycle.** Notes need and personal circumstances.

Decides proposal would overall be sustainable development

200-003-363 20-02-2015 SOUTH CAMBRIDGESHIRE

[View PDF](#)

Land at 146 Cambridge Road, Wimpole, Cambridge

ALLOWED

- a) Unauthorised b) section 78 Single pitch Gypsy caravan site b) Unauthorised 0.11ha engineering yard site in countryside abutting a substantial enclave of residential; site appearing as an undesirable encroachment of domestic development harming area character and appearance Gypsy status unclear but accepted. Highway safety not compromised by a restricted 3.5tonne lorry reversing into highway in this quiet location; the number of movements little different to a single dwelling. **Notes the sustainability of a gypsy site to be considered more flexibly than conventional housing; deciding the cluster to be a 'settlement' in terms of plan and increased car travel acceptable.** However the visual harm of the proposal militates against a permanent permission; likelihood of 2 years before a site available. Council objection to the absence of a contribution to infrastructure but acceptable as 1/80th proportion would have a negligible effect. Weight to PPG revision discussed.

200-003-028 03-12-2014 EPPING FOREST

[View PDF](#)

Valley View, Curtis Mill Lane, Navestock, Romford

PARTLY ALLOWED, PARTLY DISMISSED

Secretary Of State (SOS) recovered. Gypsy caravan pitch in field within Green Belt countryside 'Redhill Aerodrome' noted; Sos stating the correct approach is to identify any in principle harm and added to this should be the actual harm to the Green Belt. Decides proposal inappropriate, impacting on openness and encroachment. Agrees with inspector the visual damage to the landscape could be mitigated by planting and the appeal site is unlikely to be worse than any alternative site in visual terms, nevertheless gives significant weight to the definitional harm to the Green Belt. Appeal site no worse in sustainability terms than many other rural sites in the area. **Weight given to supply shortfall and personal circumstances with likelihood of return to a roadside living. However disagrees with inspector regarding sustainability of site, need for daughter to attend a particular school and the inequality of site provision between Gypsy and settled community as a relevant material consideration**

200-002-922 05-11-2014 MAIDSTONE

[View PDF](#)

Three Acres, Hampstead Lane, Nettlestead, Maidstone, Kent

ALLOWED

Secretary Of State (SOS) recovered. 4 statics and tourers as extension to existing gypsy caravan site in Green Belt countryside SoS decides proposal represented inappropriate development, reducing openness and significantly harming countryside character and appearance Sustainability of site discussed and noting medical and child education benefits. Unlit road and lack of footpath likely to increase car travel. **Present unmet need** for sites but notes Council working towards identifying sites but no alternatives presently identified. Personal circumstances considered but surprised that no inquiries of local primary schools had been made in regards to capacity. Notes likelihood, if refused, appellants would just return unlawfully. However would also interfere with appellants Article 8 Human Rights. On balance, disagrees with Inspector's recommendation of a 4 year temporary permission as considers a further 12 months proportionate noting Council secured funding for 15 public pitches in 2015.

200-002-642 11-09-2014 SOUTH NORFOLK

[View PDF](#)

Manor Farm, Low Road, Thurlton, Norwich

ALLOWED

Single pitch , gypsy caravan site in backland location behind frontage plot in sporadic residential area identified as open countryside **Weight to substantial unmet need for gypsy sites and lack of 5 year supply.** Notes siting at rear required owing to flooding concerns but still appears uncharacteristic of area. **Likelihood of increased car travel as site 1.9kms from village services and facilities along narrow, unlit country lane from which access to site derived.**

200-001-505 09-01-2014 MENDIP

[View PDF](#)

Marston View, Marston Bigot, Frome, Somerset

ALLOWED

2 mobile home and 2 tourer gypsy site within edge of Grade II Registered Park estate, integral to substantial Grade II* Listed Hall. **Sustainability of site discussed and found acceptable as town with range of services ' not that far away' with car travel over relatively short distance.** However notes visually ameliorating screen planting and fencing itself intrusive and uncharacteristic of historic layout harming significance of Park and House setting. **Discussion of persistent gypsy site supply need,** but at last credibility to Council claim that a Site Allocations DPD would be in place within next 3 years. Weight given to personal circumstances of health and child education needs citing 'Sedgemoor' court case. Decides acceptable with 3 year temporary permission.

200-001-503 09-01-2014 WOKINGHAM

[View PDF](#)

Land on the North West side of Nelsons Lane, Hurst, Reading

ALLOWED

2 pitch gypsy site moderately screened by vegetation and seen in context of large stable building , adjacent to lane in flat open countryside , 2km from village centre. Although area character and appearance not harmed decided that **location was isolated from settlement, increasing car travel and not promoting integrated co existence.** Discussion of gypsy site supply need, concluding an adequate 5 year supply identified with possibility of a site becoming available nearby in foreseeable future(6 months). Personal circumstances and need given weight, location of present site in Flood Zone 1 acceptable and no significant highway safety risk from access onto narrow lane as splays acceptable but balanced against some area character harm and poor sustainability of site. Decides 2 year temporary and personal conditions with reasonable financial contributions appropriate.

CONCLUSION

The proposed development suitably takes into account Local and National planning policies and guidance.

The Council has recently prepared a Gypsy, Travellers and Travelling Showpeople Accommodation Assessment which identifies there is a **substantial unmet need**; **Policy 21** of the HDPF: 'Gypsy and Traveller Site Allocations' **makes provision for 39 net additional permanent residential pitches for Gypsies and Travellers within the period 2011-2017 in order to fulfil the backlog of unmet need** identified through the **Council's current Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (2013).**

Significant weight should continue to apply to unmet need and the lack of a five-year supply.

The relationship of the proposed development, to its neighbours and to the character and appearance of the area will be not be materially different to the status quo and as such cannot therefore be said to have a materially or significant detrimental effect on the area.

It is forcefully advanced and readily acknowledged that the application sufficiently complies with the effect and spirit of the Council's own policies. Given the subordinate in-keeping design of the proposal, and the nature of development in the surrounding area, the proposal will not have a materially adverse impact on the character.

The proposed development has been given consideration so as to be sympathetic to and harmonious with local characteristics and to demonstrate that it contributes to and does not materially harm the character of such areas.

The analysis of the local context confirms that the design of the proposed development has considered and responded to positively to the prevailing characteristics.

The proposed development is set back from the general *street* scene and filtered by mature boundary planting. The proposed development will remain screened and filtered by the landscaping around the boundary. The applicants are happy to accept conditions to maintain and improve this effect.

The proposed development is designed to simple and sound architectural principles - this can be further controlled by conditions including materials etc.

The relationship of the proposed development to its neighbours and to the character and appearance of its setting will not be materially different to the current established character. There is no particular rhythm or consistency with respect to the format of

buildings in the area. The proposed development is parasitic and sympathetic to the host dwelling and does **not** harm the amenity of adjoining occupiers.

The location, scale and design of the proposed development is appropriate to the character and appearance of the surrounding area and reflects the pattern of development. The analysis of the local context confirms that the proposed development is considered and has responded to both the local and wider context.

Notwithstanding, even if marginal harm is created it is clear that there is no significant impact. It is further advanced in this instance *that any marginal impacts of permitting the development would not significantly and demonstrably outweigh the benefits*. The appellant's primary case is that by the imposition of suitable conditions, the proposal can be made acceptable.

A correct, considered and proportionate planning balance exercise in relation to the material considerations relating to the proposal, the need for the development and its context weigh in favour of approval. The basis for refusing the application is limited and cannot be substantiated.

- The Inspector is respectfully requested to grant the appeal subject to conditions.