PLANNING, DESIGN and ACCESS STATEMENT to be read in conjunction with drawings submitted for:

Land south of Hillybarn Farmhouse The Mount Ifield Crawley West Sussex. RH11 0LF

Full application for a proposed two pitch settled gypsy accommodation site

Site and Proposal:

Site is located within countryside but no other statutory designations. The site is within a semi- rural area characterised by commercial uses, an existing gypsy site, farms and individually designed dwellings.

The site circled yellow below where the development (change of use of land) is proposed is not readily visible from public vantage points being screened by the adjoining mature boundary trees and hedging. The existing separate access which serves the existing field shelters, stables and paddocks will be used.

Above

The proposal is for a two pitch site for settled gypsy accommodation. The site will include commensurate amenity areas within each pitch. The remainder of the land to the north, south and east will be used for the grazing of horses. **The existing permeable access will be used to serve the development.** Each pitch will have a utility building together with a permeable hardstanding area to provide space for parking (including an area for a touring caravan) and turning.

As highlighted on the proposed site plan the site will be laid out ergonomically in accordance with the extant guidance within the May 2008 CLG 'Designing

Gypsy and Traveller Sites - Good Practice Guide'; the proposed development will fit in well with the surrounding sporadic development context.

Each pitch has been set out to accord with site licence conditions. **The proposed development is being advanced to assist in meeting the long outstanding unmet need for Gypsy sites within the District.**

Above – Application site circled yellow. Permitted gypsy sites circled green.

The traffic light highlighting and bold type face throughout the Planning Statement emphasises the suitably of the proposal against the material planning considerations as part of the planning balance exercise.

Design and Development Objectives:

Good quality design with siting, layout, scale, form and appearance respecting the local context. The primary consideration has been to ensure the nature and extent of the proposed development are acceptable in planning terms, including any impact of the proposal on general and neighbouring amenity.

On the basis of the outstanding general need for pitches a personal permission is not requested; the applicant is happy to accept a standard planning condition to the effect that:

'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'.

Planning History:

No relevant planning history.

Relevant Planning Precedents:

DC/16/2721 - **Change of Use for extension to site at Greenfield Farm for permanent use for five mobile homes to include the one existing for family members and five touring caravans for summer months only**
Greenfield Farm Valewood Lane Barns Green West Sussex - **PERMIT**

DC/17/1374 **Proposed settled gypsy accommodation site comprising 3 pitches and associated utility building** Land To The Rear of Pear Tree Farm Furners Lane Woodmancote West Sussex BN5 9HX – **ALLOWED on APPEAL with FULL COSTS.**

DC/17/2216 **Proposed site for settled gypsy accommodation with 4 pitches.** Hawthorns Bar Lane Southwater West Sussex - **PERMIT**

The Council's Planning Policy response in relation to the above applications confirmed the Council's unmet need for traveller sites within the District and included the following italicised comments **that enable significant weight to be given and provide strong support to the current proposal:**

National Guidance	National Planning Policy Framework (NPPF) is a key material consideration as is the Planning Policy for Traveller Sites (PPTS) document and particularly Paragraphs 9, 10, 24, 25, 26 and 27 of the PPTS document.

Planning Policy for Traveller Sites (PPTS) The Planning Policy for Travellers Sites (PPTS) *document confirms that local planning authorities should set pitch targets for Gypsies, Travellers and Travelling Showpeople (GTTS), which addresses the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities.* ***Specifically, local planning authorities should, in producing their Local Plan identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. This is reiterated at paragraphs 9 and 10 of the PPTS document.***

Paragraph 24 of the PPTS *relating to the determination of planning applications for traveller sites and states that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:*
a) the existing level of local provision and need for site;
b) the availability (or lack) of alternative accommodation for the applicants;
c) other personal circumstances of the applicant;
d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
e) that they should determine applications for sites from any travellers and not just those with local connections.

Paragraph 26 of the PPTS *also notes that local planning authorities should attach weight to the following matters:*

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.

Horsham District Planning Framework (HDPF) *The main local policies relating to Gypsy, Traveller and Travelling Showpeople (GTTS) provision are policies 21, 22 and 23 of the HDPF.*

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).*** *This assessment is currently under review as part of the evidence base to inform the forthcoming Site Allocations document. The policy does confirm that Horsham District Council will make provision for further pitches over the rest of the Plan period from 2017 to 2031 in a Site Allocations DPD.*

Policy 22 of the HDPF*: 'Gypsy and Traveller Sites' sets out criteria for allocating land for pitches for Gypsies and Travellers, including the use of publically owned land; and the allocation of sites in strategic development sites or stand-alone allocations.*

Policy 23 (1) of the HDPF*: 'Strategic Policy: Gypsy and Traveller Allocations' confirms in relation any planning applications for non-allocated sites that there must be no significant barriers to development 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.*

The Council has acknowledged under paragraph 8.8 of the HDPF that further work will need to be undertaken to identify and monitor need and to provide for additional pitches beyond the initial five year period planning period (i.e. beyond 2017) *and this will be addressed through a Site Allocations DPD. A call for sites was undertaken in May 2016 for Gypsy, Traveller and Travelling Showpeople sites (amongst other uses) which*

included advertising this call for sites on the Friends, Families and Travellers website. ***The Council is in the relatively early stages of developing its Site Allocations document HDC – Internal Consultation*** *(with a regulation 18 consultation programmed for May / June 2017), and is actively assessing sites and accommodation needs within the District.*

It is acknowledged that the sites allocated through policy 21 of the HDPF have yet to come forward and therefore, the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites. This is a significant consideration in terms of the determination of this planning application and would weigh in favour of the proposal, provided that the proposed development does not significantly depart from the criterion laid out in policy 23 of the HDPF.

Summary	***It is acknowledged that Gypsy and Traveller sites allocated through policy 21 of the HDPF have yet to come forward and therefore, the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites.*** ***This is a significant consideration in terms of the determination of the planning application and would weigh in favour of the proposal.*** ***Given the above, it is considered that at least temporary planning permission should be considered and if the HDC – Internal Consultation criteria laid out in policy 23 of the HDPF can largely be met, than permanent planning permission should be considered.***

Need for additional sites:

The most recent Horsham District Council Gypsy/Traveller and Travelling Showpeople Accommodation Needs Assessment (2012) (GTSANA) identifies **an existing need (backlog) of 29 gypsy and traveller pitches.** The study also noted projected household formation from 2012-17 and identified an additional need for a further 10 pitches in the five year period up to 2017 (totalling a need for 39 pitches to 2017). The GTSANA projects a total of 39 additional pitches would also be required in the period 2018 to 2027 (approximately 4 per year). On this basis, the overall need from 2012 to 2021 (to include a five year requirement from 2016) **is 55 pitches (39 to 2017, and 16 in the 4 years from 2018-21).**

There are no vacancies at any gypsy sites within the Council's administrative area. Further it is widely understood that there is a long waiting list for any pitches both within the Council's administrative area and in the surrounding authorities.

Historical background - To understand Gypsies and Travellers today, it is very important to understand their history; where they come from, their traditions, customs and beliefs and how they have been viewed and treated over the ages. Travellers are part of a tradition which we all have roots in. Humankind has only settled in permanent settlements for the last 5,000 years in Britain and maybe 8,000 years worldwide. Gypsy and Traveller heritage, is of over 100,000 years of nomadism.
Within Britain the roads have thronged with travellers of various sorts over the centuries, even before Romanies arrived about 600 years ago. All types and descriptions of Travellers moved around looking for work; selling, buying, spreading the gospels. There has always probably been friction between nomads and the sedentary population - partly from competition for resources and partly from the inherent fear of the free by the settled population.

Traditionally Travellers integrated with the local rural economy via seasonal agricultural labour and also by supplying other needs of the rural population. With increasing mechanisation the need for seasonal labour slackened during the 1950's and many travellers forsook the rural for the urban and semi-urban environment.

Legislation and Guidance for Gypsies and Travellers

Decision-making for policy concerning Gypsies sits within a complex legislative and national policy framework, the following key pieces of legislation and guidance are relevant when developing policies relating to Gypsies, Travellers and Travelling Showpeople:

» The Housing and Planning Act, 2016

» Planning Policy for Traveller Sites (PPTS), 2015

» National Planning Policy Framework (NPPF), 2012

» Planning Practice Guidance (PPG), 2014

PLANNING ASSESSMENT

A recent (2016), highly relevant allowed appeal decision ref: APP/C3620/W/15/3137675 in relation to Riverdale Paddocks, Capel Road, Rusper, Surrey RH12 4PZ is reproduced at **APPENDIX 1**; in comparison to that site which immediately adjoins the Horsham Administrative area the current proposal compares more favourably in relation to sustainability considerations in addition to continuing to meet the key planning policy considerations.

The following italicised extracts from the officer report (with highlighting and bold typeface added) in relation to the most recently determined gypsy traveller site application within the Council's administrative area are reproduced below. Whilst that application was permitted (for two additional pitches) the current proposal compares more favourably in relation to sustainability considerations in addition to continuing to meet the key planning policy considerations.

Siting of two no. additional mobile homes for occupation by persons falling within the definition of a gypsy (family members) and erection of a day room to serve the three pitches
Old Field Stables Fryern Road Storrington West Sussex
Ref. No: DC/15/2815 | Validated: Fri 18 Dec 2015 | Status: PERMIT

"PLANNING ASSESSMENTS

It is considered that the main issues in the determination of the application are the need for the proposed mobile homes, the effect of the proposal upon the character of the landscape and street scene, sustainability and the amenities of neighbouring properties.

Principle
The main aim of the National Planning Policy Framework (NPPF) is to achieve sustainable development. The document sets out three dimensions to sustainable development: economic, social and environmental. It seeks to create a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being and contributes to protecting and enhancing our natural, built and historic environment. The document makes a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking.

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. At paragraph 21, it states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development.

In determining planning applications for gypsy and traveller sites paragraph 22 of the Planning Policy Guidance requires the Local Planning Authorities to consider the existing level of local provision and need.

To enable the Local Planning Authority to consider the issue of need, an analysis was undertaken to determine the existing and projected need for gypsy/traveller pitches for years 1-5, 5-10 and 10-15 of the HDPF plan period. The "Horsham District Council Gypsy/Traveller and Travelling Showpeople Accommodation Needs Assessment (2012)(GTSANA)" was undertaken which identified an existing need (backlog) of 29 gypsy and traveller pitches. The study also noted projected household formation from 2012-17, and identified an additional need for a further 10 pitches in the five year period up to 2017 (totalling a need for 39 pitches to 2017). The GTSANA projects a total of 39 additional pitches would also be required in the period 2018 to 2027 (approximately 4 per year). On this basis, the overall need from 2012 to 2021 (to include a five year requirement from 2016) is 55 pitches (39 to 2017, and 16 in the 4 years from 2018-21).

From 2012 to the current time, planning permission has been granted for 19 permanent pitches, so this leaves a shortfall of 36 pitches which are required by 2021. ***Policy B (paragraph 10a) of the PPTS required Local Authorities to 'identify and update annually a supply of specific deliverable site sufficient to provide 5 years' worth of sites against their locally set targets'. At present, for the forthcoming 5 year period (2016-21), HDC cannot identify a sufficient number of sites to accommodate the required number of pitches****. In addition, whilst the allocation made in Policy 21 of the HDPF will provide 29 pitches, it is unlikely that all of these will come forward by 2017 – thereby increasing the shortfall. It should also be noted that the number of sites required within the District is not static and the sites identified within policy 20 may not come forward within the plan period which would result in further need for windfall sites.*

It is therefore considered that there is a clear existing need for gypsy and traveller sites in Horsham and that there is not a sufficient rolling supply to meet the requirement for the five year period up to 2021. The need for additional gypsy and traveller accommodation is a matter which should carry significant weight in the determination of this application.

In the most recent appeal decision at Sussex Topiary DC/13/2170 (Feb 2016) the Inspector noted with regards to the provision of sites that ***"There is a clear existing need for gypsy and traveller sites in Horsham and there is not a sufficient supply to meet the requirement for the five year period up to 2020. The need for additional gypsy and traveller accommodation is a matter which carries significant weight, and the proposal represents an adequate way of responding to this need in accordance with criterion a in Policy DC 32 of the GDCPD."*** *The findings of the latest Inspector's Decision is consistent with the findings at Deer Park Farm (March 2014)*

where again it was noted that ***"there has been a consistent undersupply of traveller sites in Horsham District since at least 2007 and it cannot therefore, be assumed that this will necessarily change in the future, given that there is still no demonstrable 5 year supply" (paragraph 51). This also reflects an earlier gypsy appeal decision at Kingfisher Farm (December 2011), where the Inspector concluded that "The harm to the character of the area would not be great. On the other hand, the general need for sites in Horsham is significant and this is unlikely to be addressed in the near future. There is currently a lack of available alternatives and because progress in making planned provision for sites has been slow this is likely to remain the case for some time to come. Taken together these factors and the benefits arising from meeting a proportion of the unmet need for gypsy sites at Kingfisher farm outweigh the harm that would arise."***

Therefore this application could help to address the existing backlog and future need for additional gypsy and traveller pitches across the district.

Landscape Character

Policy 23 sets out the criteria for the consideration of both allocated and unallocated land for Gypsy and Traveller sites. Policy 23 requires that with regards to applications for Gypsy and Traveller sites the following considerations are taken into account;

"a There must be no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable;

b. The site is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users;

c. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas;

d. The site is located in or near to existing settlements, or is part of an allocated strategic location, within reasonable distance of a range of local services and community facilities, in particular schools and essential health services;

e. The development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings."

The site has been the subject of a previous appeal which granted permission for the use of the site for the stationing of one mobile home (DC/12/2345 a copy of which is appended to this report). The Inspectors Decision is a material consideration in the determination of the current application. Although the appeal application was determined under Policy 32 of the General Development Control Policies it is considered that the previous polices are similar in principle and content to the current HDPF policies. The Inspector noted that with regards to landscape character that "the character of the landscape is not of truly open countryside but a series of small scale enclosures with horse related uses appearing predominant. The appeal site does have some natural enclosure along the roadside, with an established bank of trees and a lower mixed hedgerow, so that the fence does not appear intrusive….. Whilst residential use of the land would change its character the starting position is of a landscape that has, in the words of the Councils Landscape Officer, already been somewhat eroded as a result of sub-division of fields. The amount and disposition of close boarded and post and rail fencing, soft landscaping, hard surfaced areas and the openness of the entry strike the right balance between the integration of communities sought in Policy H, the protection of the countryside sought in the Development Plan policies previously cited, and in the Framework and the needs of the family for privacy and security."

The application seeks to provide 2 further pitches on the site and a dayroom to be utilised by the occupiers of the mobile homes. The provision of a dayroom and utility block in principle is acceptable, and is not unusual for this type of development. Indeed both the appeals allowed at Deer Park Farm and Sussex Topiary contained a dayroom. However it is considered that the external appearance of the dayroom could be softened through the provision of timber cladding to the external walls rather than brick as proposed. It is considered that the site is of a sufficient size to accommodate the proposal without appearing cramped, and that the mobile homes would not be prominent in the streetscene. As previously noted above the Inspector raised no objection to the location of the original mobile home and it is considered that the intensification of the site would not result in such a change to the wider appearance of the site (when taking into account the boundary treatment that is provided) so as to warrant refusal of the application proposal. It is consequently considered that an objection to the application could not be sustained on landscape grounds as the Inspector considered the boundaries and character of the site and noted that the use of the site for a mobile home would comply with the policies of the NPPF.

Sustainable Development

In this respect, the site is outside of the built-up area and the nearest settlement is Storrington, defined in the Horsham District Planning Framework as a small town/larger village which in terms of Policy 3 notes that these are settlements with a good range of services and facilities. Also in a countryside location. The nearest settlement is Storrington, defined in the Horsham District Planning Framework as a small town/larger village which

are settlements with a good range of services and facilities. Guidance within the Planning Policy for Traveller Sites document paragraph 21, states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development. As such, given the countryside location of this site at some distance away from these services it could be considered that the proposal is contrary to the Government guidance. However, the Council took the view in 2010 in relation to the Greenfield Farm site, Valewood Lane (DC/10/0721), that, although the main mode of transport would be vehicular, the site could be justified as sustainable in the wider sense. It was acknowledged at the time that this would set the tone for consideration of sites in the future under this policy. Similarly, the Inspector when considering the Kingfisher Farm appeal reached the same conclusion in respect of sustainability. The site is located some 373 metres from the built up area of Storrington and 1125 metres from the nearest supermarket and services.

The appeal Inspector on the previous application noted that bus services do operate along Fryern Road and that "The road to Storrington has a grass verge over much of its length south of the site, followed by a narrow stretch within a cutting before a proper footway is in place that is continuous to the centre. It is of note however that the narrow section is within the settlement boundary and occupiers of dwellings in Melton Drive and similar areas would need to use that stretch of road also to walk to the centre. It is a fact that the site is outside the settlement boundary, but it is not so isolated as to make non-private vehicle journeys inconvenient or unlikely. In that respect the site is accessible and hence sustainable in transport terms, whilst providing the space, the rural character and facilities required by a gypsy family. The site would accord with the aims of Policy DC32 as being reasonably located for schools, shops and other local services and community facilities, Therefore, it is considered that the site is reasonably located for schools, shops and other local services and community facilities, and with paragraph 11 within Policy B of the Governments Planning Policy for Traveller Sites, allowing children to attend school, and giving access to health services and facilities."

It is therefore considered that when taking into account the other appeal decisions in the District, that the proposal due to its proximity to Storrington, could be justified in terms of access to amenities in this instance".

Design content:

The orientation and position of the proposed development has been chosen to provide the accommodation required for each family and to minimise its impact on the surrounding area.

The mobile homes will be sited over a permeable base bricked up under the perimeter to assist in insulating the mobile home. Each mobile home will retain its axles and wheels but these will be concealed by the brick surround. The low pitched roof will be of dark colouring.

The hardstanding and access shall be constructed in a permeable 20mm pea shingle road planings material over a hardcore base.

Amount:

The proposed footprint of the mobile homes are anticipated to be units measuring c12.2m (40') x 6m (20'). In any event they will remain within the dimensions for a caravan under the Caravan Act 1960 (as amended); *i.e. Length – 20 metres (65.616 feet), Width – 6.8 metres (22.309 feet), Internal Height – 3.05 metres (10.006 feet)*

Layout:

As shown on the block plan - the location of the mobile homes has been chosen to make the most efficient use of the land available along with meeting the necessary 6m separation distance and the need to leave 2m to boundaries and the proposed utility room.

Scale and context:

The height of the mobile homes will be less than the height of buildings on adjoining sites. The mobile homes and proposed development will be set away from the highway boundary.

The size and scale of the proposed development will respond well to the existing sporadic pattern of development in the area and therefore will not have a detrimental effect on the area or adjacent properties. It is not considered that the development will have a detrimental effect on the adjacent area or harm any long distance views.

Any anticipated associated use / enjoyment of land surrounding the proposed development and curtilage would similarly not materially harm the character and amenities of the area. The neighbouring properties will not be affected by the proposed development. The proposed development will not cause overshadowing or overlooking. No external lighting shall be installed on the site unless it is sensor-controlled security lighting. Reason: In the interests of visual amenity.

Sustainability of the site:

The thread of achieving sustainable development runs through the Framework. As indicated in the Framework, sustainable development has economic, social and environmental roles and this is taken through into the PPTS.

To meet all the wider roles of sustainability identified in the Framework, the PPTS advises that policies should ensure that peaceful and integrated co-existence with the local community is promoted. Policies should ensure access to appropriate health facilities and provide for children to have the opportunity to attend school regularly. A settled base would reduce the need for long-distance travelling and possible associated environmental damage through unauthorised camps. Plan-making should reflect the extent to which traditional lifestyles, whereby some gypsies live and work in the same location, can contribute to sustainability by omitting many travel to work journeys. The paragraph goes on to indicate that sites should not be in areas at high risk of flooding, including functional floodplains given the particular vulnerability of caravans.

The site would be sustainable for the proposed use and would be sustainable in terms of the full implications of the Framework paragraphs 18-219. **In the wider interpretation taken through from the Framework into the Plan–making section of the PPTS, the site would also meet all of the sustainability objectives.**

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, schools and medical facilities further away. The distances to facilities are not excessive.

With regards to sustainable development the following extracts were accepted in the approval under DC/16/2721 - **Change of Use for extension to site at Greenfield Farm for permanent use for five mobile homes to include the one existing for family members and five touring caravans for summer months only**
Greenfield Farm Valewood Lane Barns Green West Sussex - **PERMIT**

Sustainable Development

The application site is outside of the built-up area and as such is classified as being in a countryside location. The nearest settlement is barns Green defined in the HDPF as a Medium Village which are settlements with a moderate level of services and facilities and community networks, together with

some access to public transport. These settlements provide some day to day needs for residents, but rely on small market towns and larger settlements to meet a number of their requirements. The site is located in the open countryside and is located 2km approx. from Barns Green village, 3.5km approx. from Billingshurst and 9km approx. from Horsham. Barns Green contains local facilities including an infant school, village store and public house. The primary school is located in Itchingfield which is some 4.3km away. A greater range of facilities are found at Billingshurst and Horsham.

Although the site is in a rural location it should be noted that children living at Greenfield Farm attend the local schools and others approaching school age will also. Whilst the immediate road network comprises narrow, unlit country lanes, and it is likely that the occupants would use the private car for most journeys, such considerations were taken into account as part of earlier decisions on the site, in particular DC/08/0416 and subsequently DC/13/2457 which allowed for permanent permission for the additional pitches, when it was acknowledged that the sustainability criterion was met.

Guidance within the Planning Policy for Traveller Sites document paragraph 21, states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development. As such, given the countryside location of this site at some distance away from these services it could be considered that the proposal is contrary to the Government guidance. However, the Council took the view in 2010 (ref: DC/10/0721) that although the main mode of transport would be vehicular, the site could be justified as sustainable in the wider sense. It was acknowledged at the time that this would set the tone for consideration of sites in the future under this policy. Similarly, the Inspector when considering the neighbouring Kingfisher Farm appeal site reached the same conclusion in respect of sustainability (ref: APP/Z3825/A/11/2150329).

Impact on Neighbouring Properties

With regard to the impact of the proposed development on neighbouring occupiers, in each instance it is considered that due to this distance and the existing boundary planting together with the additional planting proposed by the applicant that the proposed mobile homes would not result in harm to the amenities of neighbouring occupiers. The applicant is also willing to supplement the existing landscaping in order to further screen the development, and a condition to this effect is agreeable.

Policy considerations:

It is considered that the application will need to be assessed against the following policies. The proposed development suitably meets the requirements of each of the policies. The traffic light highlighting and bold type face throughout the Planning Statement emphasises the suitably of the proposal against the material planning considerations as part of the planning balance exercise.

In terms of the need for an overall planning balance, particularly given the multitude of applicable considerations in this instance, it is respectfully and forcefully made out that the proposed development suitably meets and creates positive outcomes against the requirements of each of the policies.

National Guidance

Planning policy for traveller sites (PPTS) - August 2015

The proposed development, against the backdrop of a longstanding unmet need for additional sites, can only be seen to create positive favourable outcomes against the planning criteria within the Department for Communities and Local Government document , **"Planning policy for traveller sites" August 2015** – See extracts below – Traffic light highlighting and bold added with reference to the suitability of the proposed development.

3. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

4. To help achieve this, Government's aims in respect of traveller sites are:
a. that local planning authorities should make their own assessment of need for the purposes of planning
b. to ensure that local planning authorities, **working collaboratively**, develop fair and effective strategies to meet need through the identification of land for sites
c. to encourage local planning authorities to plan for sites **over a reasonable timescale**
d. that plan-making and decision-taking should protect Green Belt from inappropriate development
e. **to promote more private traveller site provision** while recognising that there will always be those travellers who cannot provide their own sites
f. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
g. for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
h. **to increase the number of traveller sites in appropriate locations with planning permission**, to address under provision and maintain an appropriate level of supply
i. to reduce tensions between settled and traveller communities in plan-making and planning decisions
j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
k. for local planning authorities to have due regard to the protection of local amenity and local environment

Using evidence

Policy A: Using evidence to plan positively and manage development

7. In assembling the evidence base necessary to support their planning approach, local planning authorities should:

a) pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves, their representative bodies and local support groups)
b) co-operate with travellers, their representative bodies and local support groups; other local authorities and relevant interest groups to prepare and maintain an up-to- date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan, **working collaboratively with neighbouring local planning authorities**
c) use **a robust evidence base** to establish accommodation needs to inform the preparation of local plans and make planning decisions.

Plan-making
Policy B: Planning for traveller sites

8. Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the policies in the National Planning Policy Framework, including the presumption in favour of sustainable development and the application of specific policies in the Framework, and this planning policy for traveller sites.

9. Local planning authorities should set pitch targets for gypsies and travellers as defined in Annex 1 and plot targets for travelling showpeople as defined in Annex 1 which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities.

10. Local planning authorities should, in producing their Local Plan:
a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets
b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15
c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, **particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)**
d) relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density
e) protect local amenity and environment.

*NB - To be considered **deliverable**, sites should be available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site within five years. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented*

within 5 years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

To be considered **developable**, sites should be in a suitable location for traveller site development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged

11. Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.

12. In exceptional cases, where a local planning authority is burdened by a large-scale unauthorised site that has significantly increased their need, and their area is subject to strict and special planning constraints, then there is no assumption that the local planning authority is required to plan to meet their traveller site needs in full.

13. Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:
a) promote peaceful and integrated co-existence between the site and the local community
b) promote, in collaboration with commissioners of health services, access to appropriate health services
c) ensure that children can attend school on a regular basis
d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
f) avoid placing undue pressure on local infrastructure and services
g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

Policy C: Sites in rural areas and the countryside

14. When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Policy D: Rural exception sites

15. If there is a lack of affordable land to meet local traveller needs, local planning authorities in rural areas, where viable and practical, should consider allocating and releasing sites solely for affordable traveller sites. This may include using a rural exception site policy for traveller sites that should also be used to manage applications. A rural exception site policy enables small sites to be used, specifically for affordable traveller sites, in small rural communities, that would not normally be used for traveller sites. Rural exception sites should only be used for affordable traveller sites in perpetuity. A rural exception site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities

Policy F: Mixed planning use traveller sites

18. Local planning authorities should consider, wherever possible, including traveller sites suitable for mixed residential and business uses, having regard to the safety and amenity of the occupants and neighbouring residents. Local planning authorities should consider the scope for identifying separate sites for residential and for business purposes in close proximity to one another if mixed sites are not practical.

Decision-taking

Policy H: Determining planning applications for traveller sites

22. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

23. Applications should be assessed and determined in accordance with the **presumption in favour of sustainable development** and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.

24. Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

a) **the existing level of local provision and need for sites**

b) the availability (or lack) of alternative accommodation for the applicants

c) other personal circumstances of the applicant

d) **that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites**

e) that they should determine applications for sites from any travellers and not just those with local connections However, as paragraph 16 makes clear, 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.

25. 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. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

26. When considering applications, local planning authorities should attach weight to the following matters:
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

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**9. *The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).*

28. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:
a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise
b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)
c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site.

National Planning Policy Framework

Core planning principles

17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These principles are that planning should:

● not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;

● proactively drive and support sustainable economic development to deliver the **homes**, business and industrial units, infrastructure and thriving local places that the country needs.

● always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

● take account of the different roles and character of different areas, Promoting the vitality of our main urban areas, protecting the Green Belts around them, **recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;**

6. Delivering a wide choice of high quality homes

47. **To boost significantly the supply of housing**, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.

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.

50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and **create sustainable, inclusive and mixed communities**, local planning authorities should:

● plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
● identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

7. Requiring good design

56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

Planning policies and decisions should aim to ensure that developments:
● will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
● establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
● optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
● respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
● create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
● are visually attractive as a result of good architecture and appropriate landscaping.

59. Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

65. Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because

of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.

Decision-taking

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

Determining applications

196. The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

197. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Horsham District Planning Framework 2015

The proposed development suitably meets the requirements of each of the policies. The traffic light highlighting and bold type face throughout the Planning Statement emphasises the suitably of the proposal against the material planning considerations as part of the planning balance exercise.

Policies relevant to the application from the Horsham District Planning Framework 2015 are considered to be; Policy 1 Sustainable Development, Policy 2 Strategic Development, Policy 21 and 22 Gypsy and Traveller Allocations and Gypsy and Travellers Site, Policy 23 Gypsy and traveller Site Accommodation, Policy 24 Environmental Protection, Policy 25 District Character and Natural Environment, Policy 26 Countryside Protection, Policy 32 Quality of New Development, Policy 33 Development Principles, and Policy 40 Sustainable Transport.

Chapter 8: Gypsy and Traveller Accommodation

The following issues have been identified that would will be addressed through the policies in this document;

The Council must assess the accommodation needs of Gypsies and Travellers and plan for these needs in accordance national guidance. The current lack of authorised sites means that the Council faces difficulty resisting applications for windfall sites in less suitable or desirable locations. If

enough sites are provided the number of illegal encampments and incursions of Gypsy/Traveller pitches which occur across the district will reduce. There is a desire for the travelling and settled communities to recognise and appreciate each other's needs and work together to build cohesive communities.

Policy 22 - Gypsy and Traveller Sites

1. Existing authorised sites for Gypsies,Travellers and Travelling Showpeople will be safeguarded from development that would preclude the continued occupation by these groups, unless the site is no longer required to meet identified need.
2. The provision of sites to meet the objectively assessed needs beyond 2017 will be identified in a Site Allocations DPD. Further sites may be provided:

a. On windfall sites through the planning process in accordance with the criteria in this policy. These will be identified and safeguarded through the Annual Monitoring Report.
b. Extensions to existing sites.
c. The redevelopment and redesign of existing sites to provide more efficient use of the site to deliver additional pitches.
d. The allocation of sites in strategic development sites or stand alone allocations.
e. The use of public owned land to be developed for publicly managed traveller provision.
f. The release of public owned land to be used as a site available to be purchased and occupied by a Gypsy, Traveller or Travelling Showpeople family.
3. The Council will work with neighbouring authorities to make appropriate provision to meet the requirements for Gypsies and Travellers.

Policy 23 - Strategic Policy: Gypsy and Traveller Accommodation

1. **The following criteria will be taken into consideration when determining the allocation of land for Gypsies, Travellers and Travelling Showpeople and any planning applications for non-allocated sites:**

a. **There must be no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable;**
b. **The site is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users;**
c. **The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site must also be large enough to provide adequate**

vehicle parking, including circulation space, along with residential amenity and play areas;
d. **The site is located in or near to existing settlements, or is part of an allocated strategic location, within reasonable distance of a range of local services and community facilities, in particular schools and essential health services;**
e. **The development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.**

2. In assessing sites for Travelling Showpeople or where mixed-uses are proposed, the site and its surrounding context must be suitable for mixed residential and business uses, including storage required and/or land required or exercising animals, and would not result in an unacceptable loss of amenity and adverse impact on the safety and amenity of the site's occupants and neighbouring properties.

Access and parking:

Access to the site will remain as existing. Visibility from the site meets the required standards and is sufficient to serve the vehicle movements related to the proposed development.

Sufficient parking and servicing area is proposed within the site.

Landscaping:

The site has very good landscaping to its boundaries. The granting of consent would facilitate consideration as to the improvement of landscaping and addition of native planting which will enhance biodiversity and ecology.

If required additional proposed native hedging and understorey planting around the site boundaries could comprise a double staggered row mix of:

Hawthorn - Crataegus monogyna (25%) / Field maple - Acer campestre (25%) / Blackthorn - Prunus spinosa(25%) / Common hazel - Corylus avellana (25%)

Planting density will be 5 per linear metre (understorey planting 1/sq.m). Hedging will be planted as bare root plants at 60-80cm planting height sp as to achieve the effect in the images below.

Existing boundary trees and hedging will be maintained. No trenching is required within 5m of any trees. Ground levels will not be required to be raised within 5m of any trees.

Infrastructure:

Adequate services and infrastructure already exist / are capable of being provided and public resources will not be required to improve services.

Foul Sewage – A detailed drainage layout will be designed in due course, for the proposed utility blocks and mobile homes. All drainage will be new and sized and laid in full accordance with the building regulations.

A Matrix sewage treatment tank or similar is proposed with capacity proportionate to the number of occupants. The tanks are modern, sealed systems and will be emptied by way of a regular service contract.

The images below are of the suggested sewage treatment tank. The installation of the sewage treatment tanks would be the responsibility of the pitch holder and will be of suitable capacity.

The **"Matrix"** treatment plant is of unitank design and incorporates Primary Settlement (PST) Biological Treatment (Biozone), and Final Settlement (FST) within the same structure, allowing delivery to site as a complete unit to provide for a simple and straightforward installation. The Treatment plant has been designed to optimize the aesthetic qualities of the final installation by

ensuring that there is minimum visual impact. The **"Matrix"** process is designed in accordance with the requirements of BS 6297.

The primary settlement tank is a two stage tank designed to maximize the removal of gross and suspended solids prior to transfer of the settled effluent to the biozone for treatment. The primary settlement tank also incorporates for a sludge storage volume (based on full load) depending on the desludge periods as identified for individual applications.

The biological treatment phase utilizes BAF technology (biological aerated filter) which incorporates two proven principles of biological process in the form of a fixed film reactor for process stability and a suspended floc dispersed growth system for high transfer rates and operational control, to ensure a stable treatment process which is largely unaffected by shock loads. The process incorporates a submerged, high rate, plastic media on which a fixed film of biomass is grown. This film takes nutrition from the incoming settled effluent and is provided with oxygen by means of a small blower unit which aerates the media through HDPE membrane diffusers to provide fine bubble aeration. The action of the fine bubble aeration is carefully controlled to provide optimum oxygen transfer rates and to provide a scouring action to slough off excess biomass to keep the thickness of the fixed biological film at optimum levels, thereby preventing the production of anaerobic bacteria and ensuring maximum process efficiency. The fact that the media remains submerged allows for an element of suspended floc dispersed growth which basically means that there will be biomass which is “unfixed” to the media but achieves treatment through suspended aeration.

The biozone incorporates a two stage process as standard that allows for constant mixing of incoming settled effluent to provide optimum treatment stability and to avoid any “short-circuiting.” The use of a two stage biozone ensures a high degree of process efficiency to not only reduce B.O.D. levels to that required, but will also achieve reductions in ammoniacal nitrogen in excess of standard requirements. The final settlement tank is designed in accordance with the requirements of BS 6297 to ensure relevant surface areas and rise rates are achieved to provide maximum settlement of any suspended solids prior to discharge.

The “Matrix” system also incorporates continuous and automatically timed humus sludge return systems to return humus sludge from both the final settlement tank and each biozone, back to the primary settlement tank. Additionally this system also provides for continuous recycling of treated effluent back to the P.S.T. to not only provide dilution of incoming settled effluent but to also ensure continuous flow during periods of low or no flow, thereby keeping the biomass in prime condition. To maximize efficiency and to minimize maintenance requirements and potential problems, there are NO mechanical or moving parts contained within the treatment plant.

Surface water disposal details.

The site preparation and finished development would not present any increased risk from flooding or water pollution. Water butts would be proposed to down pipes to facilitate rain water recycling for landscaping.

The development in question does not involve the construction of soakaways. Rather, surface water drainage utilises the existing properties of rainfall infiltration through the moderate permeability ground. The proposed development would not significantly change the existing infiltration mechanism. The proposal will not increase flood risk in the 1% climate change event, either through uncontrolled increase in surface run-off or by increasing the risk of groundwater flooding.

The existing drainage ditches in the vicinity of the site and there is limited overland surface flow of surface water from the site with the great majority of surface water soaking into the ground. There are no nearby water features that would be contaminated by runoff.

Surface water from proposed development can be reduced by the use of water butts attached to the drainage down pipes. Should it be found to be necessary a sustainable drainage system, designed by experts, will be incorporated.

Water and electricity utilities (gas is via Calor gas bottles) are available to the site and connection is practicable. All services are believed to be capable of sustaining the load of the proposed development.

All services will be connected in accordance with the relevant undertaker's requirements and existing equipment limitations. All will be sited to as to facilitate maintenance and inspection.

Summary and Conclusion:

In terms of the need for an overall planning balance, **particularly given the multitude of applicable considerations in this instance**, it is respectfully and forcefully made out that the proposed development suitably meets and creates positive outcomes against the requirements of each of the policies.

The proposed development has been carefully considered so as to relate sympathetically to its natural and built surroundings. The level of development proposed is predominantly related to the needs of the applicant.

The proposed development will be set well away from the highway boundary. The associated uses of land surrounding the proposed development would not materially harm the character and amenities of the area and will not conflict with the openness of the site, the countryside and the purposes of including land within it. The proposed use and the form, bulk and general design of the proposed development are in keeping with their surroundings.

The application suitably takes into account Local and National planning policies and guidance. There is a need to look at the applicable planning policies sensibly with respect to the site. The Council has no sites to meet the unmet demand that are deliverable now; **the proposed site is deliverable now.**

The proposal involves a small-scale site, it is considered that the site is capable of peaceful and integrated co-existence with the local community. The proposals comply with the wider considerations of sustainability, and represent sustainable forms of gypsy site development. As such it is considered that the application is in compliance with the relevant policies in the Development Plan and is consistent with the NPPF and CLG guidance on Traveller sites.

The site provides for a local need and on the basis of our assessment the proposed permanent Gypsy and Traveller site:

- would not detract significantly from the appearance and openness of the countryside; would not cause unacceptable levels of noise, effluent discharge or damage to designated sites;
- promotes peaceful and integrated co-existence between the site and the local community;
- promotes access to appropriate health services for the family;
- ensures that children can attend school on a regular basis;
- provides a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- provides for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
- avoids placing undue pressure on local infrastructure and services

- is not located at a site at risk of flooding
- avoids prominent locations and blends into the landscape;
- would not generate volumes of traffic that would prejudice highway safety or cause significant harm to the environmental character of country roads.
- is well-related in terms of its location, size and colour to existing buildings
- would not adversely affect the amenities of any nearby residential properties.

Both the general need for gypsy sites for whom there is currently no suitable available alternative accommodation, carry significant weight. Personal circumstances of intended occupiers would no doubt provide further weight in support of the proposals. Taken together, the general and personal need for accommodation provide the compelling circumstances required to justify development. Any marginal harm arising from the proposals is clearly outweighed by other material considerations. A personal condition restricting occupancy is unnecessary.

Given the limited progress made to date by the Council in facilitating the provision of other gypsy sites and the lack of information available, it is not considered that there is a realistic expectation that sites would be available in the immediate future. For the reasons given above, and having regard to all matters raised it is concluded that the application should be permitted.

Thank you in advance of your balanced consideration of the proposed application.

In advance of any decision on the application, please maintain a dialogue with myself and the applicants if you have any questions, concerns or matters that require further elaboration.

APPENDIX 1

Appeal Decisions
Hearing held on 19 April 2016
Site visit made on 19 April 2016
by Mr J P Sargent BA(Hons) MA MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government
Decision date: 21 June 2016

Appeal A Ref: APP/C3620/W/15/3137675
Riverdale Paddocks, Capel Road, Rusper, Surrey RH12 4PZ

 The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.

 The appeal is made by Mr J & Mr M Maloney against the decision of Mole Valley District Council.

 The application Ref MO/2015/0768/PLAMAJ, dated 12 May 2015, was refused by notice dated 7 August 2015.
 The development proposed is the change of use of land for the stationing of caravans for residential occupation with associated development (with new access, hard standing, landscaping and fencing between plots, timber utility sheds and package treatment plant) for 2 Gypsy-Traveller plots.

Appeals B & C Refs: APP/C3620/C/15/3137676 & 3138321
Riverdale Paddocks, Capel Road, Rusper, Surrey RH12 4PZ

 The appeals are made under section 174 of the Act as amended by the Planning and Compensation Act 1991.

 The appeals are made by Mr Joseph Maloney & Mr Martin Maloney respectively against an enforcement notice issued by Mole Valley District Council.

 The notice was issued on 7 October 2015.
 The breach of planning control as alleged in the notice is the change of use of land for the stationing of caravans for residential occupation with associated development comprising new vehicle access, hard standing, landscaping and fencing between plots, timber utility sheds and package treatment plant for 2 Gypsy-Traveller plots.

 The requirements of the notice are
i. To cease to use the site as a gypsy/traveller site
ii. To remove completely from the site all caravans, utility timber sheds, package treatment plant, the hard standing and landscaping and fences between plots
iii. To remove completely from the site the vehicle access point leading from Capel Road to the site and close up the opening

iv. To restore the site to its former condition.
 The time for compliance with the requirements is by 31 July 2016.
 The appeals are proceeding on the grounds set out in section 174(2)(a) and (g) of the Act as amended.

Decisions
Appeal A: APP/C3620/W/15/3137675
1. **The appeal is allowed** and planning permission is granted for the change of use of land for the stationing of caravans for residential occupation with associated development (with new access, hard standing, landscaping and fencing between plots, timber utility sheds and package treatment plant) for 2
Traveller plots at Riverdale Paddocks, Capel Road, Rusper, Surrey RH12 4PZ in accordance with the terms of the application, Ref MO/2015/0768/PLAMAJ, dated 12 May 2015, subject to the conditions in the Conditions Schedule below.

Appeals B & C: APP/C3620/C/3137676 & 3138321
2. The enforcement notice is corrected by the substitution of the plan annexed to this decision for the plan attached to the enforcement notice.
3. Subject to this correction the appeals are allowed and the enforcement notice is quashed. Planning permission is granted on the applications deemed to have been made under section 177(5) of the Act as amended, for the development already carried out, namely the change of use of land for the stationing of caravans for residential occupation with associated development comprising new vehicle access, hard standing, landscaping and fencing between plots, timber utility sheds and package treatment plant for 2 Gypsy-Traveller plots on the land shown edged black on the plan annexed to this decision at Riverdale Paddocks, Capel Road, Rusper, Surrey RH12 4PZ subject to the conditions in the Conditions Schedule below.

Procedural Matters
4. An application for costs was made by the Appellants against Mole Valley District Council, and that application is considered under a separate decision.

5. Whilst the bulk of the site subject of these appeals lies within Mole Valley District in Surrey, part of the access between the carriageway and the line of the former front hedge is in Horsham District in the county of West Sussex. The effect of this on the notice is discussed in the paragraph below. However, I am aware that Horsham District Council supported the planning application subject of Appeal A. Given this I therefore consider I can determine that appeal without prejudice to the interests of other parties, provided that land outside Mole Valley District is omitted from the site boundary.

6. After the Hearing an appeal decision was issued dismissing a speculative planning application for 4 gypsy and traveller pitches at a site that was a few kilometres away elsewhere in the District (the 2016 decision1). The parties

were given opportunity to comment on that decision and its relevance to the appeals before me.

1 Appeal APP/C3620/W/15/3018611 dated 22 April 2016 concerning Land at Partridge Lane, Newdigate RH5 5BP.

The notice

7. The plan attached to the notice covers a larger area than subject of the works or owned by the Appellants, and, as stated above, it includes land outside the jurisdiction of Mole Valley District Council within Horsham District. However, a revised plan has been submitted reducing the extent of the site and so addressing both of these concerns. I consider no party would be prejudiced by me accepting this plan and so I will determine the appeals accordingly.

8. Furthermore, although a date has been given as the period for compliance, this does not invalidate the notice.

Appeal A & the ground (a) appeals and the deemed planning applications under Appeals B & C

Main Issues

9. In relation to Appeal A and the ground (a) appeals and deemed planning applications associated with Appeals B and C the main issues are

a) the effect of the development on the character and appearance of the countryside;

b) whether the distance to services places undue reliance on the use of the private car;

c) the effect on highway safety;

d) whether there should be affordable housing contributions and

e) if any harm is caused whether this is outweighed by material considerations.

Reasons

Background

10. The Council accepted that those now living at the site fell under the definition of gypsies and travellers in the *Planning Policy for Traveller Sites* (PPTS). I have no reason to consider otherwise, and so I am assessing the appeals on that basis.

11. Each Appellant occupies a pitch with their wife and children. However, on Martin Maloney's pitch his 20 year old brother, Gerry, lives in the second touring caravan. It was accepted that Gerry does not constitute a separate household or a 'doubling up' on the same pitch, but rather is part of the extended family.

Character and appearance

12. This site lies in a location that is defined by the Council as being countryside beyond the Green Belt2. It is characterised by undulating fields enclosed with hedges and interspersed with woodland and small copses. The area is dotted with farmsteads, stables and occasional houses.

2 In the reason for refusal and the reasons for issuing the notice it is called the rural area beyond the Metropolitan Green Belt

3 It is termed Riverdale Farm by the parties but on the map extract it is called Rivendale Farm.

13. The appeal site was formerly a paddock near to the complex of Riverdale Farm3. It lies on the north side of Capel Road, a winding country road that is generally lined by rough hedging. Such hedging used to run along the front of this site but it has recently been removed by the Appellants to provide improved visibility from the access.

14. The development comprises 2 pitches approached through a single gateway. Each pitch contains a static caravan and a small utility building that are set back from the road at the rear of the site on an area of chippings. These chippings not only accommodate any parked vehicles but also are used to station 3 touring caravans, one on one pitch and 2 on the other. Between the static caravans and Capel Road are access drives and paddocks.

15. The *National Planning Policy Framework* (the Framework), the PPTS and the development plan do not establish an objection in principle to gypsy and traveller development in rural areas outside of the Green Belt. In the *Mole Valley Local Development Framework Core Strategy* (2009) (the Core Strategy) Policy CS5 relates to gypsy and traveller developments. While this policy makes reference to a sequential approach to site identification that is in the context of the local plan process and does not apply to those who are wishing to submit a planning application.

16. Moreover, new gypsy and traveller pitches are not one of the types of development specifically listed in Policy ENV3 of the *Mole Valley Local Plan* (adopted 2000) (the Local Plan) as acceptable in this rural location. However, that policy goes on to say *'other development appropriate to the countryside may be acceptable provided the relevant policies in the Plan are satisfied'*. In my opinion this use can be seen as falling under that clause, and this is a view shared by another Inspector in 2006[4].

4 Appeal APP/C3620/C/06/2017129 dated 15 November 2006 concerning land at Partridge Lane, Newdigate and relating to the change of use of agricultural land to a mixed use comprising agriculture and the stationing of a mobile home for residential occupation. This is a different site to that subject of the 2016 decision.

17. Therefore, I find that in principle the development is acceptable. Indeed, despite its reasons for refusing the planning application and issuing the notice, this was a view with which the Council agreed at the Hearing.

18. In coming to these findings I have noted the Parish Council's concern about an overconcentration of such uses, and I am aware the PPTS seeks to avoid gypsy and traveller sites dominating the nearby communities. However, to my mind the other traveller sites are spread around the parish of Newdigate and, whether considered by itself or with those others, this site would not be sufficient to result in any unacceptable dominance of the surrounding settled community.

19. Moreover, the site subject of the 2016 decision also was in the countryside beyond the Green Belt, and in paragraph 16 the Inspector said he did not find the appeal proposal to be appropriate to the countryside or for that rural location. Given the PPTS and the Framework, to my mind that was not an objection in principle to the development. Rather, it was based on what he judged to be the overall impact of the scheme on the surroundings.

20. Turning to the effect of the development before me on the character and appearance of the area, it has undoubtedly introduced a greater sense of urbanisation into the rural landscape as caravans, hard standings and domestic paraphernalia are now on what was previously a grassed paddock.

21. Balanced against this, the static caravans are relatively small and stand apart on the site, while the utility buildings have the appearance of timber stables. Conditions could also be imposed to require extra landscaping (although this would take time to become established), to prevent the stationing/parking of further vehicles or caravans, and to remove 'permitted development' rights. Moreover, the site is not in a location remote from built form or similar, as a farm complex is to the east, a stables is to the south, and in the fields around there are a number of caravans that I was not told with certainty were unlawful under planning legislation. However, whilst these factors mean the overall impact of the development on the character and appearance of the landscape is reduced, they do not mean the scheme causes no harm in that regard.

22. In coming to this view the site does not seem to be as prominent as the one subject of the 2016 decision due to the absence of footpaths around and, being for 2 pitches instead of 4, it is not as large. However, it is still clearly visible from Capel Road, especially now the hedge has been removed.

23. Concern was also raised about the appearance of the gate, but to my mind that is not of a size or scale than means it is inappropriate here.

24. Accordingly, while various factors mitigate this impact to some degree I conclude the development causes harm to the character and appearance of the surrounding area, and so in this regard it is in conflict with Core Strategy Policies CS1, CS5 and CS13, Local Plan Policy ENV3 and the Framework.

Distances to services

25. The site lies some 2km from a reasonable range of services in Rusper, and I accept that residents could walk or cycle between the two. However, given the distance involved and the character of the lane, it is reasonable to assume that any future occupiers of the site are likely to be reliant upon the private car to access the services on offer in that village. Moreover, the car would also be the principle means by which they travelled further afield to the services and facilities that were unavailable in Rusper. In this regard, the increased reliance on the car would, in my opinion, be contrary to the apparent intent of the Framework for development to be in sustainable locations.

26. Moreover, I am aware that this location also has a social disbenefit as it would be difficult for those without cars to visit and opportunities for those living at the site who did not have personal mobility would be restricted.

27. In reaching this view, I am mindful that the PPTS does not state gypsy and traveller sites have to be within walking distance of services, but reducing reliance on the car is nonetheless clearly an aim of Government guidance.

28. This issue was raised in the 2006 and the 2016 decisions. The sites subject of those appeals are only 350m apart, and lie 3.5 to 4km from the nearest villages. While the Inspector writing the former found the distances were not excessive, that was some 10 years ago. In contrast, the Inspector in the 2016 decision said the lack of alternative modes of transport *'is a significant deficiency of the scheme'*. However, those sites are almost twice as far from services as this one, and inevitably that affects the weight given to this concern. The 2016 decision also related to a scheme with more pitches than the one before me. Those decisions therefore do not bind me in my findings.

29. Accordingly, I conclude that the development harms the aims of sustainability by increasing reliance upon the car, and so in this regard it is in conflict with Policy CS5 in the Core Strategy and the Framework.

Highway safety

30. Capel Road is generally wide enough for 2 vehicles to pass. In the vicinity of the appeal site it is subject to a 40mph speed limit though the data submitted shows that traffic is regularly travelling faster.

31. There is no dedicated right-hand turning lane into the site and any drivers making that manoeuvre have to stop on westbound side of the carriageway. However, forward visibility is good and so they pose no hazard whilst waiting. Furthermore, when leaving the site the Council accepted that visibility to the west was adequate.

32. Looking from the access to the east the cleared hedging means that there is a sight splay of about 80m to the kerbside, and the Council considered this to be insufficient as it fell below the 124m necessary. However, beyond that point a kink in the line of the road means it is only eastbound traffic heading away from the site that becomes obscured, and westbound approaching traffic is visible from a significant distance beyond. Indeed, the only westbound vehicles that would be concealed from drivers wishing to leave the site would be any that were overtaking when passing through the kink in the carriageway. However, the alignment of the carriageway at that point means that would be an exceptionally rare occurrence and given the relatively few manoeuvres this development would generate it is very unlikely such a vehicle conflict would arise. Therefore, notwithstanding the limited sight splay when measured to the carriageway edge, I consider visibility to the east for drivers emerging from the site is satisfactory.

33. In assessing this issue the parties agreed that Local Plan Policy MOV2 was relevant, even though the sight lines and visibility fell partly within Horsham District. I have no reason to consider otherwise, but if it was not deemed applicable my findings would have been no different.

34. Accordingly I conclude the scheme does not severely affect highway safety and so it does not conflict with Local Plan Policy MOV2 or the Framework.

Affordable housing

35. One of the reasons for the refusal of Appeal A concerned the Appellants' failure to make a contribution towards affordable housing. I do not question that affordable housing is a significant issue in the District.

36. However, Core Strategy Policy CS4 (which concerns affordable housing provision) and the Council's associated Supplementary Planning Document5 (the SPG) make no reference to provision in relation to gypsy and traveller sites, and there is no cross-reference on the matter between Core Strategy Policies CS4 and CS5. I am also aware that gypsy and traveller accommodation is generally dealt with in a different planning policy context to that of housing for the settled community and so it cannot be assumed the policies relating to one would be automatically applied to the other. Moreover, the SPG only concerns development within Use Class C36 yet it was uncertain as to whether gypsy and traveller pitches could be so defined, and it was confirmed any monies from the Appellants' site would be spent on bricks and mortar accommodation rather than gypsy and traveller need.

5 Supplementary Planning Document *Affordable Housing: A Guide for Applicants on Core Strategy Policy CS4* dated February 2010 and updated July 2014
6 Class C3 of the *Town and Country Planning (Use Classes) Order 1987* (as amended)

37. Furthermore, the failure to contribute to affordable housing was not a reason for issuing the notice subject of Appeals B and C. As a result, if this was the only concern I had in relation to the development I would be refusing Appeal A on that ground but allowing the 2 pitches under the other appeals.

38. In such circumstances the Council accepted at the Hearing that the requirement for affordable housing does not apply to these gypsy and traveller pitches, and this is a view I share. Although I understand that affordable housing contributions have been secured on other gypsy and traveller schemes by the Council that does not offer me a basis to reach a different view.

39. In any event, the Officer Report found that no such contributions were required, because, when it was drafted in July 2015 it had taken into account a Written Ministerial Statement (WMS) that said affordable housing contributions should not be sought on rural sites of 5 houses or fewer. However, by the time the decision was issued a short while later in August the judgement of *West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government* [2015] EWHC 2222 (Admin) (the West Berkshire judgement) had quashed the WMS and a

declaration order subsequently confirmed the policies in the WMS must not be treated as a material consideration. Consequently, the lack of such contributions was added to the reasons for refusing the application subject of Appeal A.

40. Since my Hearing into these 3 appeals though the Court of Appeal has overturned the West Berkshire judgment and so, once again, the WMS is applicable. Therefore, irrespective of my findings above, the application of affordable housing contributions for these 2 pitches is not now in accordance with the WMS.

41. Accordingly I conclude that affordable housing contributions are not justified for this development and there is no conflict with Core Strategy Policy CS4.

Other matters

42. The site is crossed by the 57dBA Leq noise contour around Gatwick Airport, and the caravans are now sited within that contour. Therefore, Gatwick Airport Limited has objected to the development in its current arrangement on the grounds that residents would experience unacceptable noise. However, it has nonetheless suggested it would be acceptable to relocate the caravans to the southern side of the site where they would be outside the contour.

43. Based on what I heard on my visit, there is no appreciable noise difference between the northern and southern sides of this relatively small site. Therefore I consider that the noise experienced in the caravans in their current positions is not unacceptable.

44. In the 2016 decision the Inspector contended that as the site he was considering was distant from settlements it was likely the residents would have difficulty in establishing significant relationships within any local community. That site though is mid-way between Newdigate and Charlwood, and so its residents could be divided between those 2 villages, thereby limiting their community involvement in each. In contrast, the site subject of this appeal is near to Rusper only. Furthermore, the distance to those villages from the site subject of the 2016 decision is almost twice as far as the distance between this site and Rusper. Taking those points together, there is a stronger likelihood that the residents at this appeal site would be focussed on Rusper for their services and this would allow them to be better integrated into that community. Therefore that concern is not applicable in this instance.

Material considerations to weigh against the harm

45. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* says any determination must be in accordance with the development plan unless material considerations indicate otherwise.

46. I have found harm is caused by the development to the character and appearance of the area, and to the aims of sustainability as a result of the reliance on the car, resulting in a conflict with the development plan on those

points. However, this has to be balanced against a number of factors that weigh in favour of the scheme.

The shortfall in gypsy and traveller provision
47. The Council accepted the District does not have an up-to-date 5 year supply of gypsy and traveller sites, and none are allocated or identified in the development plan. While work started on a *Housing and Traveller Sites Plan* this was terminated in 2014. The Council said it was now intended to incorporate gypsy and traveller provision into the emerging Local Plan, and although I was told this would be adopted in 2018 I was informed of little progress that had been made in relation to identifying possible sites. Therefore, the only policy guidance available to anyone wishing to secure a gypsy and traveller site is the criteria-based Core Strategy Policy CS5.

48. It was also acknowledged that there was an immediate and pressing need for gypsy and traveller accommodation in the District. The most recent assessment of this found a requirement for 28 pitches from 2012-2017 and for 16 pitches from 2017-2027. However, few of the 28 pitches required by next year have been secured.

49. In this context, the Council accepted there had been a policy failure to which, like the Inspector in the 2016 decision, I attach considerable weight. Moreover, by providing 2 pitches the development makes an appreciable contribution to addressing the overall need in the District.

The geography of the District
50. The District can be broadly defined as comprising 3 areas – the built up towns and villages, the Green Belt, and, in the extreme south, the countryside beyond the Green Belt.

51. Given the high prices of houses (and, presumably, land), and mindful of the parallel requirement to provide a 5 year housing land supply, it is reasonable to assume there is little opportunity for gypsy and traveller need to be satisfied in the built up areas. Whilst the Council said it could not confirm this was in fact correct, I am aware that was because it had advanced so little with its search for sites. I noted though that the aborted *Housing and Traveller Sites Plan* did not rule out sites outside of settlements, and many of the existing gypsy and traveller sites across the District do not seem to be in villages or towns.

52. I was told the Green Belt accounted for about 75% of the District and generally it tightly surrounded the District's principal towns and villages. The PPTS makes clear that developments of this nature are inappropriate in the Green Belt, and so creates a presumption against their location there.

53. To my mind, it is therefore reasonable to assume that the countryside beyond the Green Belt would have to be relied upon to a greater or lesser extent to meet the District's needs for gypsy and traveller pitches. As such

there has to be some acceptance of an impact on the countryside and a siting of pitches in locations that have poorer access to services, and so the harm I have identified must be assessed accordingly. In this regard, I note that the site contains caravans, buildings and hard surfacing of a scale that is reasonable to expect for 2 pitches.

54. I realise there is no mention of this in the 2016 decision. However, I am unaware as to whether the constraints of the District were brought to the Inspector's attention.

Personal circumstances
55. The 2016 decision concerned a speculative application with no specific residents identified. Therefore, matters arising from the *Human Rights Act,* the *Children's Act 2004* and similar legislation did not play a significant part in the Inspector's reasoning.

56. In contrast, the development before me is occupied by 2 families, each of which has 2 children. I was told that no alternative pitches were available in the District, and if they had to leave this site they would be homeless. Therefore, dismissing these appeals would deprive them of their homes. Furthermore, a settled base not only provides the children with a secure and stable environment in which to grow up, but also access to consistent health care and education. This is clearly of benefit to the 4 children involved, and the best interests of the child must be a primary consideration to which no matter is given greater weight. I therefore afford significant weight to these points.

Other sustainability benefits
57. The development increases a reliance on the car and it is difficult for those with no personal means of transport to access or leave the site, and it also has an adverse effect on the character and appearance of the surroundings. However, it nonetheless has the social benefit of providing accommodation for 2 gypsy and traveller families that otherwise have no home and indirectly supporting local services. It will also result in some economic benefits due to their spending power locally. These must therefore be weighed against the identified harm to the aims of sustainability.

Balancing exercise

58. The harm I have identified to the character and appearance of the area has been limited to some degree by the context of the site and the nature of this specific development. Moreover, the concern about the relationship to services is similarly reduced because of the distances involved. Against these points I have found 4 factors that weigh in favour of the development.

59. In making this balancing exercise, the Inspector in the 2016 decision only placed weight of the first of these. Whilst he also had regard to the fourth factor, he nonetheless found that on balance the scheme he was considering would not be sustainable. However, the scheme before him was a larger

development that was more prominent and further from services, and so the relative weights would not have been directly comparable.

60. To my mind, the best interests of the children, the families' homelessness, the social/economic benefits, and the reasonable expectation that the rural area beyond the Green Belt will address the District's recognised and appreciable gypsy and traveller need are each matters to which I attach significant weight and, when taken together, they outweigh the harms identified.

61. I therefore turn to consider whether, in these circumstances, a temporary permission only is justified. However, as stated above sites in the rural area beyond the Green Belt are likely to be required to address any need. Moreover, while the Council seemed confident its emerging local plan will be adopted in a little over 2 years, given its current state that is not something in which I have confidence and it may be longer. Given these 2 factors, I therefore consider a temporary permission instead of a permanent permission would not be justified in this instance.

Conditions

62. In the light of my reasoning the occupancy of the site should be restricted to those who fall within the definition of gypsies and travellers. I have no basis to consider those living here should be limited specifically to the Appellants and their families. This is because the aspects of their personal circumstances to which I have given weight, namely their possible homelessness and the benefits to the children, are likely to apply to many gypsy and traveller families.

63. Having regard to the character and appearance of the area the development should be restricted to 2 pitches and no more caravans than those proposed. There should also be no commercial activity, lorry parking or storage, and details should be agreed of external lighting and further landscaping. The domestic nature of the site though means a specific maintenance schedule for the landscaping would be excessive. 'Permitted development' rights for fencing should also be removed, but further hard standing would require the permission of the local planning authority in any event and so a condition prohibiting that is unnecessary.

64. With regard to highway safety, the parties agreed that the only elements of the sight splays that fell outside Mole Valley District and also outside of the appeal site were in the adopted highway of West Sussex County Council. As such, it would be reasonable for the sight splays to be provided on the Appellants' land and to assume the highways authority would ensure their maintenance on the adopted highway. The site contains ample room for parking, but the nature of Capel Road means there should be provision for vehicles to enter and leave in forward gear.

65. However, while a condition was suggested to protect the occupiers from possible contamination associated with the site's previous industrial and commercial use, no evidence to show the presence of that use has been

offered. The condition is therefore unjustified. Furthermore, as the permissions are not restricted to named people I see no reason for a re-instatement condition to be imposed if, for whatever reason, gypsies and travellers cease to live there. This is because there will always be other gypsies and travellers who could take up occupancy. Concerns about the installed drainage have not been raised and so a condition relating to that is unnecessary. Finally, as the development has been implemented there is no need to require it to be carried out in accordance with the submitted details. A site layout has already been submitted in connection with the planning application, and so need not be sought in connection with Appeals B and C.

Conclusion on Appeal A & the ground (a) appeal and the deemed planning applications under Appeals B & C

66. Accordingly, I conclude the development causes harm to the character and appearance of the area and would increase reliance on the private car, in conflict with Core Strategy Policies CS4 and CS5, Policy ENV3 in the Local Plan, and the Framework. However, I also find the need for such pitches, the policy failure, the shortfall in provision, the economic and social benefits, the geography of the District and the effect of dismissing the appeals on the Appellants and their families together comprise material considerations that outweigh the harm and outweigh the conflict with the development plan. Therefore I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

Ground (g) appeals under Appeals B & C

67. Given my findings in relation to the ground (a) appeals there is no need for me to consider the appeals under ground (g).

J P Sargent
INSPECTOR

Conditions Schedule

1) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of *Planning policy for traveller sites* (dated August 2015)

2) No more than 5 caravans, as defined in the *Caravan Sites and Control of Development Act 1960* and the *Caravan Sites Act 1968*, shall be stationed on the site at any time, and no more than 2 of those caravans shall be static caravans.

3) There shall be no more than 2 pitches on the site and no more than one static caravan shall be stationed at any time on each pitch.

4) There shall be no commercial activities undertaken at the site, including the external storage of goods or materials not ancillary to the residential use, and no vehicles over 3.5 tonnes shall be stationed, parked or stored on the site.

5) No external lighting shall be installed unless its location and type have been first approved in writing by the local planning authority.

6) Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the *Town and Country Planning (General Permitted Development) (England) Order 2015* (or any order revoking, re-enacting or modifying that Order), no

fencing, walls, gates or other means of enclosure shall be erected around or within the site.
7) Within 3 month of the date of this decision details shall be submitted to the local planning authority of further soft landscape works together with a timetable for their implementation. All planting, seeding or turfing in the approved landscaping details shall be carried out in accordance with the approved timetable; and any trees or plants which within a period of 5 years from the completion of the landscaping 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 approval to any variation.
8) Notwithstanding any details on the 'proposed site layout', sight splays from the access of 2.4m by 81m to the east and 2.4m by 142m to the west shall at all times be kept clear of any obstruction greater than 1m in height above the carriageway as they cross land within the application site.
9) There shall at all times be provision on site for vehicles to enter and leave the site in forward gear