
Appeal Decision

Inquiry held on 10, 11 & 12 September 2013

Site visit made on 11 September 2013

by Louise Crosby MA MRTPI

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

Decision date: 9 January 2014

Appeal Ref: APP/X0360/A/13/2190825

Land on the north west side of Nelsons Lane, Hurst, Reading, RG10 0RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Andrew Loveridge against Wokingham Borough Council.
 - The application Ref: 2012/1035 is dated 17 May 2012.
 - The development proposed is the use of land for the stationing of caravans for residential purposes for 2No gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use.
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Decision

1. The appeal is allowed and planning permission is granted for the use of land for the stationing of caravans for residential purposes for 2No gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use on land on the north west side of Nelsons Lane, Hurst, Reading, RG10 0RR at in accordance with the terms of the application, Ref: 2012/1035, dated 17 May 2012, subject to the conditions set out in the attached Schedule of Conditions.

Application for costs

2. At the Inquiry an application for costs was made by Mr Andrew Loveridge against Wokingham Borough Council. This application is the subject of a separate Decision.

Procedural matters

3. A unilateral undertaking was submitted at the Inquiry. In the event that a permanent planning permission is granted this secures financial contributions towards, education (£8,284); highways (£5,200); leisure (£6,943.88); and library services (£458.54). If a temporary planning permission is granted then sums equal to 1/80th per year of the amounts set out above would be payable. I shall deal with this matter in more detail below.
4. Planning permission is sought for 2 pitches on the appeal site. Each would contain a mobile home, a day room and a hardstanding for a touring caravan. Mr Loveridge intends to occupy one pitch, along with his partner Amy Danbury. The other would be occupied by his uncle George Cauldwell who owns the appeal site and the adjacent land.

5. The appeal was lodged on the basis of non-determination of the planning application by the Council. The main issues I have identified below are derived from the Council's and appellant's statements of case.

Main Issues

6. The main issues are:
- i) the effect of the proposal on the character and appearance of the surrounding area;
 - ii) whether the appeal site is in a sustainable location and represents a sustainable form of development; and
 - iii) whether any harm arising from the above matters is outweighed by other matters in support of the grant of planning permission, including any unmet need for gypsy and traveller accommodation and the personal needs, accommodation options and circumstances of the appellant and his uncle.

Reasons

7. The development plan in Wokingham consists of the Wokingham District Local Plan (adopted in 2004) (LP) and Wokingham District Core Strategy (CS). The emerging Managing Development Delivery Local Plan (MDD) is due to be adopted by the Council in October 2013.
8. LP policy WH17 deals with gypsy sites where there is an adequately demonstrated need. With the exception of criterion (a), which is more onerous, the policy is in general conformity with the *National Planning Policy Framework* (the Framework) and *Planning policy for traveller sites* (PPTS).
9. The CS does not contain any specific policies relating to traveller sites, but there are various general policies which are relevant and I will refer to these below where necessary. Policy TB10 of the MDD sets out a number of criteria to be used when assessing proposals for new traveller pitches where there is not necessarily an identified need¹. Subject to a modification this policy has been found to be sound by the examining Inspector. I shall have regard to the modified version of the policy in determining this appeal and ascribe significant weight to it given the stage the Plan has reached.
10. In March 2013 the Council published the Wokingham Gypsy and Traveller Accommodation Needs Assessment (GTAA). This will inform the Gypsy and Traveller Local Plan which will allocate sites for gypsies and travellers for the period up to 2027. The Council is consulting on the issues and options for this plan and have carried out a 'call for sites'. The anticipated adoption date for this document is January 2015.

Character and appearance

11. The appeal site lies in flat open countryside, around 2km from the centre of Hurst, by road. The fields vary in size and tend to be bordered by hedges. Indeed the narrow lanes in this area, including Nelsons Lane, are mainly bounded by hedgerows interspersed with trees. Overall the general impression

¹ This is clarified in the Inspector's Interim Conclusions in relation to the independent examination of the MDD

- when driving around this area is one of an attractive rural landscape, which on the whole, is unspoilt by built development. Nearby and in the wider surrounding countryside there are some isolated dwellings as well as agricultural buildings. On the periphery of Hurst village the dwellings become more concentrated. Consequently the introduction of a small traveller site here would not be odds with the existing character or pattern of development in the surrounding area which contains houses in similar sized plots. As such, the effect on the character of the area would be very limited.
12. Turning to consider the appearance of the proposal, the rectangular shaped appeal site comprises of a field containing a large timber stable. The site fronts onto Nelsons Lane from where access is gained via an existing gated track. The appellant also owns additional land that wraps around 3 sides of the appeal site. This is currently used for grazing horses. The site is moderately well screened from Nelsons Lane by existing landscaping and vegetation between the road and the appeal site. The pitches would be located towards the front of the site, adjacent to Nelsons Lane, at either end of the existing stable building.
 13. In accordance with the guidance in the *Designing Gypsy and Traveller Sites: Good Practice Guide*, both pitches would be screened using 1.8m high close boarded fencing in order to provide privacy for the occupiers of the pitches. There is also additional close boarded fencing shown on the submitted layout plan which seems excessive. However, this could be controlled by a planning condition, as agreed at the Inquiry. When travelling along Nelsons Lane in either direction both pitches would only be visible at the same time for a short distance and they would be glimpsed views.
 14. Overall, both pitches would be seen in the context of the existing large stable building and landscaping along the front of the site. From the nearby lane, to the south east of the appeal site, the pitches would be visible across an open field. However, this field is in the ownership of the appellant and it is his intention to introduce some landscaping here to soften the effect of the proposal. In any event, both pitches would only be viewed together while travelling along a short section of this lane. Most of the time it would just be one pitch that would appear prominent, because the other would be screened to a large degree by the existing stable building.
 15. Clearly the introduction of 2 day rooms, 2 mobile homes and, at times, 2 touring caravans, along with cars and the fact that the site could potentially be occupied by 2 families would result in some visual harm to the appearance of this site and the surrounding area. The day rooms would be simple single storey brick and tile buildings. The appearance of these and the proposed mobile homes could be controlled to some degree by planning conditions. The PPTS advises that sites such as this, away from existing settlements, should be strictly controlled. Nevertheless, in this case the harm to the appearance of the area is reduced because of the presence of the existing large stable and screening along Nelsons Lane. Overall I find that a moderate degree of harm would occur. Notwithstanding this, this small rural site would not dominate the nearest settled community.
 16. As such the proposal would result in only limited conflict with CS policies which seek to protect the open countryside and the PPTS. While it would conflict with LP policy WH17, this is more onerous than the recent PPTS document. As

such, I have afforded this policy conflict only limited weight. The proposal would comply with emerging policy TB10(e).

Sustainability and location of the site

17. The appeal site is located around 2km from the point in Hurst where shops, the school and a bus stop can be found. The distance on foot, if using a nearby unlit green lane would be reduced by around 0.5km. However, I understand that at certain times of the year the green lane is not accessible because of flood water and is sometimes incredibly muddy, thereby making it an unlikely alternative except during dry spells of weather. Also, to reach the green lane one would need to walk along Nelsons Lane which is narrow, has no footpaths and is unlit.
18. The shortest route to Hurst from the appeal site by car, cycle or on foot (excluding the green lane), would in the most part be along narrow lanes with no footpaths or street lighting. I am not convinced that this route is a realistic option for walking along on a regular basis to reach the shop or bus stop in Hurst and would certainly be unlikely to be used by children to walk to school along. It may be more attractive for children to cycle along, but only marginally so and certainly not in winter. In reality it is likely that most trips to Hurst would be made by car and drivers in my view would be more inclined to take the slightly longer route which includes the wider A321 road. So while the occupiers of the site would have access to a range of local services, as set out in MDD policy TB10(c) they would only really be accessible by private car. However, because of the manner in which this policy is written I am not convinced that conflict with this particular criterion would occur.
19. The proposal would however offend criterion (a) of policy TB10 which seeks to ensure that gypsy and traveller sites, such as this, are located either within one of the borough's settlements or adjacent to an existing settlement within this borough or an adjoining one. Clearly the site is not within a settlement. The policy does not define what it means by adjacent to and so I have nothing to judge it by, but my impression when I visited the site and travelled between it and Hurst was that it is isolated from the village.
20. In addition to the issue of travel distances the Framework and the PPTS advise that there are 3 strands to sustainable development – economic, social and environmental and that proposals should be considered in this context. In addition, paragraph 11 of the PPTS provides a specific list of criteria that need to be addressed when considering traveller sites.
21. I have had regard to the 8 criteria laid out and only found conflict with one and that is a) which seeks to ensure that gypsy and traveller sites are located in a manner that would promote peaceful and integrated co-existence between the site and the local community. The appeal site is not located within a settlement or even adjacent to one. There are a few houses nearby. I have no evidence to suggest that the occupiers of this site could not live in a peaceful and integrated manner. It is likely that they would use the local services and any children here would be likely to attend Hurst School. However, by virtue of the location of the site away from the village of Hurst it would not encourage integrated co-existence.
22. Drawing together my findings on this matter, the majority of trips from this site would be likely to be undertaken by the private motor vehicle. The journey

time to Hurst, where there are a number of services, would be short. Within 5km there are a much wider range of facilities. Nevertheless, I am concerned that this distance would isolate the occupiers of the site from the community of Hurst and not promote an integrated co-existence. Travelling into and out of the village by car would accentuate this as it would provide fewer opportunities to meet people. Overall I have some concerns about the location and sustainability of this site and its ability to meet some of the objectives of the NPPF, PPTS and emerging MDD policy TB10 in this regard. This weighs against the proposal to a moderate degree.

Other considerations

Need for and supply of gypsy sites

23. The Housing Act 2004 requires local authorities to carry out gypsy and traveller accommodation assessments (GTAAAs), and the PPTS emphasises the importance of such evidence in planning positively and managing development.
24. The Council commissioned a GTAA in March 2012. The field work was undertaken between August and October 2012 and the final report was published in March 2013. Based on the household survey that was undertaken as part of this study the GTAA estimates that over the 15 year period 2012 to 2027 there will be a requirement for an additional 45 pitches. The GTAA identifies 2 extant planning permissions (Walkers Yard and Bearwood Road²), which would yield a total of 20 pitches and so this figure is discounted to 25, not including demand for pitches that may come forward from migration. In light of these planning permissions the GTAA concludes that this supply of pitches would surpass the accommodation needs of gypsies and travellers in the borough during the first 5 years (2012 to 2017) by 8 pitches, leaving 8 pitches to be provided between 2017 and 2022 and a further 17 pitches from 2022 to 2027.
25. The Council is currently preparing a Gypsy and Traveller Local Plan and this will allocate traveller sites in the borough to meet the need identified in the recent GTAA. This Plan is still in its infancy, with adoption not expected until around January 2015.
26. Appeal decisions in Wokingham in 2011 and 2012 identified an unmet need for traveller sites in the borough. The decisions were based on a GTAA carried out in 2006, the recommendations following a single issue review of the Regional Spatial Strategy in relation to gypsy pitch provision and evidence produced by the parties in relation to need at the time of each appeal. These decisions however preceded the recent GTAA field work and final report and so one would expect that the estimation of need before me is more up-to-date and reliable than that which was presented to the Inspectors determining those appeal cases. Moreover since those appeals, but before the publication of the GTAA, 4 additional pitches were granted planning permission at Twyford Orchards (Council site).
27. The need identified by the GTAA is claimed by the appellant to be an under-estimation. He has particular concerns around the issues of doubling up, concealed households, the number of unauthorised pitches and movement from

² This site containing 8 pitches has now been built out and occupied

bricks and mortar. I shall now deal with each of the appellant's criticisms of the GTAA in turn as well as a number of other issues raised.

28. The appellant says that there is significant overcrowding on a pitch at Highfield Park where 8 families are occupying one pitch, which he does not believe was picked up by the survey. The Council accepts that some doubling up could have been missed. He also argues that since the GTAA survey the Council has granted planning permission for 4 additional plots at Twyford Orchards to alleviate what they acknowledged to be overcrowding. The Council confirmed at the Inquiry that according to the survey data 5 unauthorised pitches (on 2 separate sites) that the appellant alleges are occupied, but not included in the GTAA, were vacant at the time of the GTAA survey and have been since.
29. The survey, which was carried out by interviewers experienced in gypsy and traveller surveys, identifies that a large number (35 out of 82) of the authorised traveller pitches in the borough are occupied by non gypsy and traveller households. These include mainly homeless people and migrant workers. While the report does not include these 35 pitches as a potential source of supply, the Council could take enforcement action to ensure that all occupiers of gypsy and traveller pitches meet the definition set out in annex 1 of the PPTS.
30. This is an option that the Council are currently considering, but it may be that some of the occupants meet the definition in any event, for example if they are working/travelling with gypsies and travellers. Others could have been staying on pitches owned by travellers for security reasons while they were away travelling. In any event, it seems that this group of people are exaggerating the need at present, to some degree. However, to what degree it is difficult to be sure.
31. The survey identified 4 families living in bricks and mortar accommodation. It is suggested by the appellant that there are significantly more, but he does not identify them. The GTAA acknowledges that such families are difficult to identify, especially those living in private accommodation as opposed to socially rented. The survey identified 7 households that wanted to move from pitches to bricks and mortar, but none wishing to move from bricks and mortar to mobile homes. Again the appellant was able to provide little evidence to substantiate his claim that there are many families or individual members of families e.g. sons, who wished to move out of bricks and mortar accommodation in this borough. Moreover, although the appellant alleges that there are caravans occupied by gypsy and traveller families within the gardens of houses in the borough no specific examples of where this is occurring were given.
32. The appellant says that he is aware that there are at least 2 Irish traveller families living on sites in Wokingham, but these are seemingly not picked up by the GTAA. There was a 75% response rate to the survey, which is comparatively good for such a survey, but clearly some households were not contactable. The logical conclusion is that the Irish travellers were away when the survey was carried out and so were not contacted since there was a question which asked about ethnicity and included the option 'Irish traveller or gypsy'.
33. Indeed it is accepted by the Council that GTAAs are not 100% accurate because travellers are often away travelling and so it is difficult to interview the

occupants of every pitch in the borough. However, where no contact was made on the 1st visit follow-up visits over a period of 3 months were undertaken in order to try to gain contact. Moreover interviewers worked from 9am to 7pm each day in order to try to obtain as many interviews as possible.

34. The Council's waiting list currently contains the names of 2 families and at the time of the survey it contained 3 names. These have been included in the GTAA as in need of accommodation. However, that could result in double counting since they may already have a pitch on an authorised site or have their name on a number of lists. Nevertheless, given the small number this would not make a significant difference on the overall quantum of need. There are also outstanding planning applications, which is a potential further indication of need. In his statement the appellant says that this equates to 9 pitches.
35. The caravan count for July 2012, shows low levels of caravans on authorised sites compared to the 3 counts before or the one after. This is presumably as a result of travelling. However, the GTAA was carried out over a period of 3 months with a number of return visits made to pitches where nobody was obtainable and so it is likely to be more accurate.
36. Overall I find the level of need identified in the GTAA to be a good indication of that in the borough given the 75% response rate, the current Council waiting list and the fact that it is very recent. Clearly there are factors here that indicate that the GTAA underestimates need such as concealed households and the dispute over unauthorised pitches. Conversely there are potentially a large number of pitches being occupied by non gypsy and travellers. It is difficult to quantify these anomalies. However, assuming that they cancel each other out or indeed that there is still some unmet need there is according to the GTAA a surplus of 8 pitches for the period 2012 to 2017.
37. Turning to consider the supply of sites, the 2 sites mentioned above, Walkers Yard and Bearwood Road have permission for a total of 20 pitches. Bearwood Road is built out and occupied with potentially one pitch vacant³. Walkers Yard is currently awaiting the discharge of one pre commencement condition, but all of the other conditions have been complied with. The developer of Walkers Yard has submitted the information to the Council that he considers is necessary to discharge the outstanding condition and this relates to environmental matters. It is now in the hands of the Council. They gave no evidence at the Inquiry to suggest that the condition could not be met or that it was likely to result in a delay in the commencement of this site.
38. It would appear that the developer of this site is likely to commence in the near future otherwise the developer would have been unlikely to have gone to the trouble of discharging the planning conditions. Also, the planning permission will expire in March 2014, if works are not begun by then. So twelve pitches are likely to be provided here that could be suitable and available in the very near future. Regarding affordability, I do not have any evidence before me about how much the rent would be at this site, but it would be reasonable to anticipate that it would be comparable to other gypsy and traveller sites in the area. Moreover, neither the appellant nor his uncle identified this as an obstacle to living at Walkers Yard at the Inquiry. While the site would be in

³ The appellant claims that the site is fully occupied, but the Council say that there is still a vacant pitch

private ownership, it is not a personal planning permission and nor was permission sought on the basis that it was for the family of the applicant.

39. Overall I am not convinced that the immediate level of need in the borough cannot be met by the potential future supply of sites, in particular Walkers Yard which is likely to become available in the foreseeable future. Indeed, given the stage it has reached in the planning process it is very likely that it will deliver pitches before this site could. In reaching this conclusion I have had regard to the fact that if this proposal were to be granted it would be subject to a number of conditions some of which would need to be discharged prior to commencement of work on the site. On balance, I find that there is a 5 year supply of sites as required by the Framework.

Accommodation needs of the appellant and his uncle and alternative options

40. The appellant has never had a permanent pitch and he is currently doubling up on an authorised traveller site in Iver, near Slough. In the past year he has also doubled up on other sites, including at one in Kent. The pitch he is currently doubling up on is occupied by a relative. The Council has not taken any action to remove Mr Loveridge from this pitch, but he says that he is starting to feel like he has overstayed his welcome and so will need to move on again soon. Both the appellant and his partner are in need of a permanent pitch.
41. George Cauldwell has also never had a permanent pitch. He stays at various places including Southsea Leisure Park, the driveways/gardens of relatives who live in the Slough area. At other times he will stay where he is working as he frequently carries out the groundworks on new traveller sites. However, these are usually sites that are being provided by families for themselves and so once they are complete he has to move off. So, some of the places Mr Cauldwell stays are legal, such as Southsea Leisure Park and potentially sites where he is working. However, pulling onto the driveways or rear gardens of relatives living in bricks and mortar accommodation and living there in his caravan would require planning permission although no enforcement action has been taken by the relevant local planning authority.
42. While the appellant and his partner as well as his uncle are unlikely to be evicted from where they live in the short term, they are in need of a permanent traveller pitch. Neither Mr Loveridge nor Mr Cauldwell have their name on any traveller site waiting lists and nor have either of them enquired about other sites that may be available, including the Bearwood Road and Walkers Yard sites. They explained that they did not want to live on the Council site at Twyford Orchards as this is occupied by one large extended family, but that they would consider the Walker's Yard site.
43. The only reservation Mr Loveridge had was in being able to care for sick or foaling horses that he and his uncle keep which this site would enable. This is currently managed by the appellant and his brothers however Mr Loveridge explained that on occasions foals have been lost because of no one being on hand to help with difficult births. At present they are mainly kept in a quarry some distance from the appeal site. The appeal proposal would allow some to be kept nearby when they are foaling or sick, for animal welfare reasons. This carries modest weight in favour of the proposal.

44. Mr Cauldwell explained that he needs somewhere secure to store his tools and equipment that he uses in his job, but that he has managed in the past to find secure storage even when he is on the road travelling. The need for a permanent pitch for the appellant and his partner as well as his uncle carries significant positive weight.

Personal circumstances of the appellant and his uncle

45. Both the appellant and his uncle have family in the Slough area and travel there on a regular basis to see them. In the case of the appellant it is predominantly to see his 4 children who range in age from 2 years to 14 years. The 3 elder children attend school on a regular basis near where they live with their mother. At the Inquiry Mr Loveridge said that his ex-partner would never stop him seeing his children and he has regular contact with them. He conceded that it was unlikely that their mother would allow them to live with him permanently however. A permanent pitch with a mobile home and a day room would allow Mr Loveridge to provide better facilities for his children and enable them to stay with him, which is understandably difficult when he is moving around and doubling up. However, in the absence of a permanent pitch the appellant would be able to continue to see his children.
46. Mr Cauldwell still sees his ex-wife on a regular basis and is currently caring for her and supporting her as she is being treated for breast cancer. He also sees his grown up daughters and his grandchildren on a very regular basis i.e. a few times a week. This is important to him and the children as he is the only male role model they have. He regularly travels for over an hour from Southsea Leisure Park to see his family. Having a permanent home near Hurst would greatly reduce his travelling as it is only around 16 miles from Hurst to where his family live. Nevertheless, the alternative site at Walker's Yard would carry similar benefits. The personal circumstances of both Mr Loveridge and Mr Cauldwell carry modest positive weight.

Issues raised by third parties

47. As I have set out above the site lies within Flood Zone 1⁴ as defined by the Environment Agency who have raised no objection to the proposal. I also note that the submitted photographs which show Nelsons Lane and Islandstone Lane flooded are not taken adjacent to the appeal site. From the evidence before me it seems that the likelihood of the appeal site and the access to it being flooded is remote enough to be acceptable. Run off from the site and drainage could be dealt with by planning conditions.
48. I can understand concerns about highway safety because of the narrowness of the lanes leading to and from the appeal site. However, I am satisfied that visibility along Nelsons Lane on exiting the appeal site would be acceptable. Also, given the small number of vehicles that would be added to these quiet lanes I am satisfied that the proposal would not be detrimental to highway safety. I note that there are concerns about wildlife within the site. However I have no specific evidence of any protected species being present.

⁴ Defined in the Technical Guidance to the National Planning Policy Framework as having a less than 1 in 1,000 annual probability of river or sea flooding

Whether the material considerations are sufficient to outweigh the identified harm

49. I have found limited harm to the character of the area; a moderate degree of harm to the appearance of the area; and moderate harm resulting from the location of the appeal site and the wider sustainability issues. As a consequence, the development would be in conflict with the development plan and the PPTS to some degree.
50. There is no identifiable unmet need for gypsy and traveller sites in the borough at present and the Council do have a 5 year supply of sites. However, it is not clear at the present time when the Walkers Yard site will become available. Indeed there is no certainty that the planning permission will be implemented.
51. In the meantime the appellant, his partner and his uncle are all in need of a pitch and this carries significant weight in favour of the proposal. In addition their personal circumstances carry modest weight as do the animal welfare issues. Nevertheless, I am not convinced that the material considerations in favour of the proposal outweigh the identified harm.
52. Having come to the above conclusions, it is necessary to consider whether temporary planning permission would be appropriate in this case.

Temporary Planning permission

53. If the development were not permanent the totality of harm would be reduced. This tips the balance in favour of a temporary permission and importantly it would provide the appellant, his partner and his uncle with a home until the availability of alternative sites such as Walkers Yard site is clear.
54. I have considered the request of the appellant that if a temporary planning permission is granted it should be for 3 years. However, given that the planning permission for Walkers Yard expires early in 2014 it is likely that within the next 6 months it will be clearer whether that scheme is likely to proceed and if so whether the appellant and his uncle can secure a pitch each there. There is also the possibility that within this period the Council will take enforcement action to remove people from existing gypsy and traveller sites who are not entitled to be there. This would potentially free up a number of pitches on existing private gypsy and traveller sites. Taking all of this into account it would be reasonable to grant a personal planning permission for a 2 year period, limited to the appellant, his partner and his uncle.

Planning obligation

55. A UU under S106 of the Town and Country Planning Act 1990 has been submitted relating to the provision of the contributions and matters set out above. The UU binds the owner to a covenant with Wokingham Borough Council. The Community Infrastructure Levy (CIL) Regulations require that any planning obligation providing for contributions, such as those set out above, must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
56. The contributions sought accord with the Council's *Planning Advice Note – Infrastructure Impact Mitigation Contributions for New Development (revised November 2010)*. This document clearly sets out that the contributions sought relate to all new residential dwellings and that it also applies to mobile homes

(including gypsy and traveller sites). The contributions being offered accord with those sought by this clear and transparent document.

57. In the event that a temporary planning permission is granted, as is the case here, the appellant would pay 1/80th of the total sums for each year and again this is reasonable. I am satisfied that the financial contributions meet the tests set out in paragraph 204 of the Framework. I conclude on this issue that the impact on infrastructure can be mitigated by the financial contributions as set out in the UU.

Conditions

58. Planning conditions are necessary to control the duration of the development as well as the occupants since I have found that a personal and temporary planning permission is appropriate here. As a consequence of the planning permission being temporary I have imposed restoration conditions. A number of conditions are required to control the appearance of the development including the materials of the day rooms; the number of caravans and commercial vehicles; and the commercial use and storage of materials on the site. It is also necessary to ensure that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

59. I realise that Circular 11/95 advises against the removal of permitted development rights except in exceptional circumstances. Nevertheless, it is necessary here to control boundary treatments such as fences and walls as they have the potential to be harmful to the character and appearance of this rural site and the surrounding area. I have imposed a number of conditions that are necessary for highway safety reasons, particularly given the narrowness of Nelsons Lane. I have not imposed the landscaping scheme condition suggested by the Council since such a scheme would take time to be approved, planted and grow and the planning permission is only for a 2 year period. Nor do I consider the Council's suggested condition in relation to the management of vehicles during the construction period necessary or reasonable given the limited amount of development proposed.

Overall Conclusion

60. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed and a personal planning permission granted for a temporary period of 2 years.

Louise Crosby

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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| Edmund Robb | of Counsel |
| He called | |
| Andy Stevens Dip TP | ASP Planning and Development Consultancy |
| MRTPI MRICS | |
| Nigel Moore | Opinion Research Services |

FOR THE APPELLANT:

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| Matthew Green | Of Green Planning Solutions LLP who gave evidence |
| He also called | |
| Andrew Loveridge | The appellant |
| George Caldwell | The appellant's uncle |

INTERESTED PERSONS:

| | |
|---------------|----------------|
| John Osborne | Local resident |
| David Ellison | As above |

DOCUMENTS

- 1 List of persons notified of the Inquiry
- 2 Secretary of State appeal decision 2179237
- 3 Flood zone map
- 4 Policy and supporting documents submitted by the Council
- 5 Planning officers report of the 'Walkers Yard' planning permission
- 6 Appellant's amended figures in relation to total additional pitch requirement 2012-2017
- 7 Draft Unilateral Undertaking
- 8 Supporting information in relation to CIL
- 9 Draft planning conditions
- 10 Revised witness statements for George Caldwell and Andrew Loveridge
- 11 Council's closing submissions
- 12 Appellant's closing submissions
- 13 Appellant's costs application

Schedule of Conditions

- 1) The use hereby permitted shall be carried on only by the following: Mr Andrew Loveridge, Miss Amy Danbury and Mr George Caldwell and their resident dependants, and shall be for a limited period being the period of 2 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
- 2) When the land ceases to be occupied by Mr Andrew Loveridge, Miss Amy Danbury and Mr George Caldwell and their resident dependants or at the end of the specified temporary period, whichever shall first occur, the

use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken in connection with the use shall be removed and the land restored to its former condition before the development took place.

- 3) No development shall take place until details of a scheme to restore the land to its condition before the development took place (or as otherwise agreed in writing by the local planning authority) at the end of the period for which planning permission is granted for the use and a timetable for its implementation have been submitted to and approved in writing by the local planning authority. The restoration works shall be carried out in accordance with the approved details and within any such timescale as specified.
- 4) The construction of day rooms hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces of them have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: 11_469_003 & 11_469_004.
- 6) Notwithstanding the fencing shown on Plan Ref 11_469_003 or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no fences, gates or walls shall be erected without the prior written approval of the local planning authority.
- 7) No more than one commercial vehicle per plot and one horse float shall be kept on the land for use by the occupiers of the caravans hereby permitted, and the commercial vehicles shall not exceed 3.5 tonnes in weight.
- 8) No commercial activities shall take place on the land, including the storage of materials.
- 9) No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be static caravans) shall be stationed on the site at any time.
- 10) Any gates provided shall be set back a distance of at least 5 metres from the highway boundary and they shall open into the site.
- 11) The residential use of the site shall not commence until the vehicular access has been surfaced with a bonded material across the entire width of the access for a distance of 5 metres measured from the carriageway edge.