
Appeal Decision

Hearing held on 3 November 2015.

Site visit made on the same day.

by Stephen Brown MA(Cantab) DipArch RIBA

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

Decision date: 22 April 2016

Appeal Ref: APP/C3620/W/15/3018611

Land at Partridge Lane, Newdigate RH5 5BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Giles against the decision of Mole Valley District Council.
 - The application ref. MO/2014/1395/PLAMAJ, dated 3 September 2014, was refused by notice dated 5 February 2015.
 - The development proposed is the change of use of the land to 4 no. traveller pitches and associated works, including 4 no. mobile homes; 4 no. touring caravans; 4 no. day rooms; 4 no. septic tanks, and hardstanding.
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Decision

1. The appeal is dismissed.

Background matters

2. The appeal site is part of an open field of about 0.65 hectares lying on the eastern side of Partridge Lane, and backed by extensive woodland. There are field accesses at the northern and southern ends, and a mature hedge with trees along the road boundary. There are public footpaths immediately to the north of the appeal site, and running through the woodland to the east. Partridge Lane itself is a rural road running through mainly open countryside, this part is some 4 kilometres to the east of Newdigate, and 3.4 kilometres to the west of Charlwood, the closest villages. There is some sporadic residential development to the western side of the lane, as well as farms and farm buildings, but little on the eastern side. The lane is relatively narrow with verges but no footways.
3. The proposal is for 4 traveller pitches to be occupied by those who fulfil the definition of Gypsies and Traveller's in Annex 1 of the government's Planning Policy for Traveller Sites (PPTS). Each pitch would comprise a mobile home, a day room, touring caravan, septic tank, and an allocation for vehicle parking. The proposals include provision of a children's play area. On the advice of the Highway Authority a new access would be constructed to ensure 120 metre visibility splays in both directions, and the existing access would be closed. A landscaping scheme would be included both to promote bio-diversity, and to limit the visual impact of the proposals from the woodland, and form a buffer between the road and the pitches.
4. There is an existing single family gypsy pitch called 'Langley' about 350 metres to the south of the appeal site, at the southern corner of the junction of

Partridge Lane and Charlwood Lane. Planning permission for this was granted following an enforcement appeal in 2006¹.

5. Although the reasons for refusal do not explicitly refer to harm to the character and appearance of the countryside, the development plan policies referred to include aims to restrict countryside development; to prevent unacceptable impacts on the physical and visual characteristics of areas, and to protect countryside interests. I do not consider any significant prejudice is caused to any party by including character and appearance within countryside interests.

Main Issues

6. From my inspection of the appeal site and its surroundings, and from all that I have heard and read I consider the main issues to be as follows:
 - The effect of the proposals on countryside interests, including the character and appearance of the appeal site and the area in its vicinity.
 - Whether the proposals can be regarded as sustainable development, in the light of prevailing development plan and national planning policy.
 - Whether any harm that might arise from the proposals would be outweighed by any benefits there might be as a result of additional Gypsy and Traveller accommodation in the District.

Reasons

The character and appearance of the countryside

7. The field itself is about 240 metres deep and extends about 300 metres along the Partridge Lane. The appeal proposal would occupy a section of the field some 150 metres along the road frontage, and extend back into the field by about 50 metres. There would be a 5 metre wide belt of planting immediately behind the road boundary. A new road access would be provided at the northern end of the developed area, with access to the 4 pitches along a stone track to the eastern side of the site, terminating in a turning head.
8. There is virtually no development on this part of the eastern side of the lane apart from the 'Langley' site to the south and a farm about 300 metres to the north. Where there are buildings, they are mostly set well back from the road and are inconspicuous. The open fields, woods, and the mature trees and hedges along Partridge Lane give the area a highly rural and generally peaceful character.
9. In my opinion the introduction of the proposed pitches, the areas of hardstanding and the tarmac access would introduce a highly incongruous feature into this rural scene, effectively destroying a small part of the open countryside. The clear delineation of the developed area from the remainder of the field would serve to accentuate this contrast and incongruity.
10. I appreciate that a belt of planting would be provided, which would provide a degree of screening from the road, and that the eastern side of the development would be separated from the woodland beyond. However, the belt of planting would itself be a somewhat incongruous element in the context of the rough hedgerows and trees that currently form the road boundaries. In my

¹ Appeal decision ref. APP/C3620/C/06/2017129, dated 15 November 2006.

opinion the landscaped belt would tend to emphasise the presence of the developed area beyond.

11. Furthermore, the development would still be readily apparent through the access way, and would also be readily visible from the public footpaths to the north and east – about 100 metres and 200 metres away respectively. These appeared to be well-worn, indicating regular use. Parts of the footpath are also used by horse riders. Such views would be far from fleeting glimpses for those on foot. In my opinion enjoyment of these footpaths and the area generally would be compromised by the presence of the proposed development, which would be conspicuous in this rural setting.
12. Paragraph 17 of the National Planning Policy Framework (NPPF) includes the core planning principle that account should be taken of the different roles and character of different areas, and that the intrinsic character and beauty of the countryside should be recognised. In my opinion this proposal fails to recognise such intrinsic character.
13. Furthermore, paragraph 26 of the PPTS advises that sites should be well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness. This proposal does not enhance this attractive countryside, and it reduces rather than increases its openness.
14. Fears were expressed that activities on the site would not be adequately contained, and would spread onto the undeveloped parts of the field adjoining the appeal site. Given the presence of a gate proposed in the north-east corner of the site, it is quite possible that this might happen. Although use of the wider field could be controlled by condition to some extent, this would be difficult to enforce.
15. I conclude on the first main issue that the proposals would cause significant harm to countryside interests, including the character and appearance of the appeal site and the area in its vicinity. The proposals would not accord with the aims of the Mole Valley Local Development Framework Core Strategy Policy CS 1 – which includes the provisions that new development should be directed towards previously developed land within built-up areas; that limited development may take place on previously developed land in larger rural villages in order to contribute towards the delivery of sustainable development. Core Strategy Policy CS5 relates to allocation of sites for Gypsies, Travellers and Travelling Showpeople. The appeal proposals would not satisfy criterion (e) of this policy, which seeks to ensure such development does not harm the physical and visual character of an area.
16. Nor would they accord with Mole Valley Local Plan Policy ENV3, which seeks to restrict development in the countryside unless it is for such purposes as agriculture; recreational pursuits, or it would help to diversify the rural economy, or would be other development appropriate to the countryside. I do not find the appeal proposal to be appropriate in this rural setting.

Sustainability of the proposed development

17. The appeal site is quite remote from the nearest settlements, which are small villages, and is connected to the principal road network by relatively minor country lanes. Paragraph 7 of the NPPF sets out the three dimensions to

- sustainable development – the economic role; the social role, and the environmental role.
18. I understand there are infant or primary schools in Newdigate and Charlwood, and both these villages have convenience stores. There is a medical practice in Newdigate. Driving to both villages from the appeal site takes some 10 minutes. The closest major service provision is in Crawley, about 10 kilometres away, where there is a community college and dental practice.
 19. I heard there is a bus service from near the former Russ Hill Hotel on Charlwood Lane, but the service is infrequent. The bus-stop is about 1 kilometre from the appeal site via the footpaths, and rather more by road. There are no footways on the lanes, they are narrow, and there is no street lighting. It was generally accepted by the parties that this would not provide a realistic alternative to private transport.
 20. While driving times from the appeal site to services and facilities are not great, none are realistically accessible on foot or bicycle, and there are no realistic alternatives to travel by private motor vehicle. While gypsies and travellers are most probably dependent on private transport for work purposes, it appears to me that there should be opportunities for alternative transport modes for travel from their settled base. The lack of these illustrates the physical isolation of this site.
 21. The appellant argues that Core Strategy Policy CS 5 cannot be regarded as consistent with national policy aims. This is on the basis that criterion (d) aims to ensure that gypsy and traveller sites are located within a reasonable distance by foot and/or by public transport of local facilities and services, including schools and health facilities. On the other hand, there is nothing in either the NPPF or PPTS that suggests proposals should be refused if travelling to and from gypsy sites would be mainly by private vehicle.
 22. While there is nothing so specific in those documents, both are clearly concerned with promoting sustainable modes of transport – which are defined in the Glossary to the NPPF to include walking, cycling, and public transport. In the light of this national guidance it is clearly reasonable for development plan policy to include aims to promote these modes, and to assist in assessment of suitable sites. I therefore find no significant inconsistency between Policy CS 5 and national policy.
 23. The appeal site is quite distant from centres of population, and it is likely that families occupying the proposed pitches would have difficulty in establishing significant relationships within any local community. In this regard the proposals would fail to promote peaceful and integrated co-existence between the site and the local community – one of the measures of sustainability set out in paragraph 13 of the PPTS.
 24. Looking at sustainability as a whole, I have found there would be the loss of a small area of countryside. The development would fail to protect or enhance the natural environment, and cannot be regarded as environmentally sustainable. Furthermore, the lack of alternatives to use of private motor vehicles is a significant deficiency of the scheme, as is separation from any local community. Overall I do not consider this scheme would be sustainable in environmental or social terms. The proposals would not be sustainable in terms of the NPPF, and would not accord with Core Strategy Policy CS 5.

Other considerations

25. The Council acknowledge that there is an immediate and pressing need for provision of accommodation for gypsies and travellers in the Mole Valley District, and adjacent districts. Furthermore, there is no identified up-to-date 5-year supply of Gypsy/Traveller sites. I note in particular that work on the Council's Housing and Traveller Sites Plan, which was in preparation and covered both new housing and Gypsy/Traveller sites, was terminated on 9 December 2014, and has not progressed further. The Council clearly cannot demonstrate an up-to-date 5-year supply of deliverable sites, a fact to which I give considerable weight.
26. The most recent assessment of Gypsy and Traveller site needs is the Mole Valley Traveller Accommodation Assessment, published in November 2013. This identified a need for 28 additional pitches in the period 2012-2017, and 16 further pitches in the period 2017-2027. The appeal proposal would make a positive contribution towards meeting this need, and facilitate the traditional and nomadic way of life of gypsies and travellers. However, to address under-provision, the government's aim is to increase the number of traveller sites in appropriate locations.
27. Paragraph 25 of PPTS advises that new traveller site development in open countryside that is away from existing settlements, or outside areas allocated in the development plan, should be very strictly limited. This proposal is for an isolated gypsy site in the countryside, unrelated to any particular community. It cannot be regarded as sustainable in environmental or social terms, and this cannot be considered as an appropriate location for a gypsy and traveller site. Being a proposal for a speculative development, no considerations arise of this appellant's need for a site, potential alternative accommodation, or personal circumstances.
28. I conclude on the third main issue that the harm caused by the proposals in terms of countryside and sustainability interests would not be outweighed by any benefits there might be as a result of additional Gypsy and Traveller accommodation in the District.

Conclusions

29. For the reasons given above and having regard to all other matters raised, I consider the appeal should not succeed.

Stephen Brown

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Dr Simon Ruston BSc(Hons) MA	Chartered Town Planner
MA PhD MRTPI	Principal of Ruston Planning Ltd.
Mark Giles	Appellant.

FOR THE LOCAL PLANNING AUTHORITY:

Joe Cunnane BA(Hons) DipTP	Chartered Town Planner
MRTPI MIPI	Principal of Cunnane Town Planning LLP

INTERESTED PERSONS:

Cllr Helyn Clack	Surrey County Councillor.
Cllr Mary Huggins	District Councillor.
Mick Temple	Local resident.
Cllr Corinna Osborne-Patterson	District Councillor.
Penny Tyson-Davis	Local resident.

DOCUMENTS

- 1 Attendance list.
- 2 The Council's letters of notification of the appeal, dated 30 June and 29 October 2015, with the circulation list.
- 3 Letters of representation.
- 4 Mole Valley Local Plan - Housing and Traveller Sites Plan: Consultation Document of January 2014.
- 5 Transcript of MVDC Development Control Committee meeting of 4 February 2015.
- 6 Statement of Common Ground.
- 7 Completed Unilateral Undertaking.
- 8 Appeal decision ref. APP/W0340/A/13/2195239, dated 12 December 2013.