

Appeal Decision

Site visit made on 2 November 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: 31 January 2017

Appeal Ref: APP/J0540/W/16/3150946

Lazyacre, Werrington Bridge Road, Milking Nook, Peterborough PE6 7QF

- 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 Richard Smith against the decision of Peterborough City Council.
 - The application Ref 16/00348/FUL, dated 24 February 2016, was refused by notice dated 20 April 2016.
 - The development proposed is a day room.
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Procedural matters

1. The application was considered with no elevations of the proposed building. These have now been submitted on Drawing No EV0001, and to my mind what is shown is a fair and reasonable reflection of what would be expected from the plans and details that accompanied the planning application. I therefore consider no party would be prejudiced if I assessed the appeal in the light of this additional drawing.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues in this case are whether the proposed day room would cause harm to the character and appearance of the area and, if it would, whether this would be outweighed by material considerations.

Reasons

Character and appearance of the area

4. The appeal site is in a relatively flat rural landscape that, although only some 700m outside the built-up area of Peterborough, nonetheless displays a distinctly rural character. It is bounded by tall hedges and fencing, with Werrington Bridge Road to the west but otherwise it is surrounded by fields. Bridgehill Road runs along the opposite side of the field to the north, and beyond that is a cluster of bungalows and dwellings.
5. In 2006 planning permission was granted to the Appellant, on appeal, for the land to be used as a gypsy and traveller site¹ (the 2006 decision). That scheme also included a small brick utility building to provide bathroom and washing facilities. The 2006 decision was subject to a number of conditions,

¹ Appeal Ref APP/J0540/A/05/1176747 dated 25 July 2006 concerning the siting of 4 residential caravans, the construction of a utility block and the laying of a hardstanding.

one of which said no more than 4 caravans should be stationed on the site at any one time. I have nothing before me to indicate that any subsequent permission has been granted here.

6. When I visited 6 touring caravans and a static caravan were on the site (although I was told the static was to be removed imminently), and it was occupied by an extended family. There was also the brick utility building in the north-west corner that provided the only toilet and bathroom facilities, and a timber store.
7. Planning permission is now sought to erect the proposed day room against the site's northern boundary, and this would be a single storey building with a pitched, gabled roof. It would be roughly 13m in length and have a floor area of about 112sqm, and it would provide 2 studies, a bathroom, a utility room and a large communal room.
8. In my opinion this would be a substantial and significant structure that would have the appearance of a bungalow. Looking from Bridgehill Road and Werrington Bridge Road to the north it would project above the boundary treatment, and from these points it would appear as an isolated building that related poorly to any existing dwellings in the locality. As a result it would be a further incursion of built form into this relatively flat rural landscape, thereby harming and eroding the character and appearance of the countryside.
9. In coming to this view I accept that there are caravans and a utility building on the site at the moment. However, although the 2006 decision granted permission for a caravan site here the Inspector nonetheless found that development caused harm to the surrounding area, and to my mind this proposal would be taller and more prominent than what is now present. I noted too the scattering of residential development of a similar appearance across this rural landscape but that in itself does not justify the introduction of this further isolated building. Finally, whilst the Appellant has said I could impose a condition to require a different design, no such alternatives are before me and I am not confident the built envelope around this footprint could be redesigned in a manner that would allay my concerns about the impact its overall size.
10. Accordingly I find the proposal would detract unacceptably from the character and appearance of the area.

Other material considerations

11. To be balanced against this harm the Appellant has cited 2 material considerations that, in his opinion, mean planning permission should be forthcoming.
12. The first of these concerns the well-being of Mrs Margaret Smith. She lives on the site and has various medical conditions that severely affect her mobility and restrict her ability to access the utility building independently. The proposal is to allow her improved access to toilet and hygiene facilities and to the kitchen, and also a warmer and better quality living space in the day time.
13. I do not question her medical state or her mobility problems and in reaching my decision I have given significant weight to these, as well as to her rights under the *Human Rights Act 1998* and to the requirements of the *Equality Act 2010*. However, this building would remain after her personal circumstances

have ceased to be applicable and I consider her stated needs do not justify a building of this size with its large communal room and its 2 studies. I note too that while she may well have difficulty getting to and from the utility building her caravan could be closer as it is now located on the opposite side of the site against the eastern boundary. Finally, I am not satisfied that the utility building could not be altered or replaced to serve her requirements better. Therefore, her medical condition does not justify the proposal before me in the light of the harm identified.

14. It was also said a suitably sized room was required because the extended family wanted to have meals and other social times together and, in particular, with Mrs Smith. This desire for a large space for them all to gather is a separate issue to that of Mrs Smith's health needs and presumably would exist even if she did not have her medical conditions.
15. However, more caravans are now on the site than were authorised under the 2006 decision and so it is reasonable to assume the number of residents is larger. Moreover, noting the presence of the 2 studies in particular and the size of the communal room, it has not been demonstrated why a building this large is needed to serve the requirements of the residents.
16. While the Appellant has drawn on *Designing Gypsy and Traveller Sites Good Practice Guide* (the guide) that has now been cancelled by the Government. I accept though that on gypsy and traveller sites day rooms sometimes include a dining area and no such provision exists on the site at present. However, as the number of static and/or touring caravans on the land is restricted to a maximum total of 4, the combined scale of any such facilities that could be reasonably expected under the 2006 decision would not, in my opinion, be as large as the proposal. Therefore, given the presence of the existing utility building, I consider it likely that improved communal facilities for the permitted number of caravans could be provided by a less intrusive built form.
17. Consequently, I accept that the building could have benefits to the residents' quality of life, but again the weight I can afford those benefits is limited.
18. The Appellant has noted that similar sized day rooms have been allowed in other local authority areas, but I am unaware of the details of those or the circumstances surrounding their approval. They have therefore not had a significant bearing on my reasoning.

Conclusions

19. Accordingly I have found the proposal would cause harm to the character and appearance of the area, and whilst I have taken into account the personal circumstances of Mrs Smith and the needs of those living at the site, even if weighed together I conclude these do not outweigh the harm identified. I therefore further conclude that the scheme would be contrary to Policies CS9 and CS20 of the adopted *Peterborough Core Strategy Development Plan Document*, which among other things broadly require that associated facilities on gypsy and traveller sites in the countryside should be designed and sited in a way that is sensitive to their landscape setting.

J P Sargent

INSPECTOR