
Appeal Decision

Site visit made on 3 May 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 2 August 2017

Appeal Ref: APP/F1040/W/16/3165167

Plot 2, Broughton Caravan Park, Sutton Road, Church Broughton, Derby, DE65 5DB.

- 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 John Casey against the decision of South Derbyshire District Council.
 - The application Ref. 9/2016/0470, dated 8 June 2016, was refused by notice dated 28 September 2016.
 - The development proposed is the subdivision into two gypsy pitches and the erection of amenity buildings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed subdivision and additional amenity buildings on the character and appearance of the area and whether the enlarged overall site would be of a scale which would dominate the settled community.

Reasons

Background

3. Broughton Caravan Park is situated in relatively flat open countryside away from any defined settlement but lies to the west of the hamlet of Mount Pleasant. Initially 5 gypsy/traveller pitches were allowed on appeal in 2011, however, I also note that planning permission was granted in May 2016 under ref. 9/2015/0943 for the creation of 3 additional pitches on plot 4 and the erection of an amenity building. The appeal site, plot 2, is an elongated pitch located towards the centre of the overall site and it is proposed to subdivide this to accommodate an additional family and erect an amenity building on each plot. The amenity building would provide a bathroom, toilet utility area, kitchen and dining area and other space. At the time of my site visit I noted that generally the pitches are served off an internal driveway separated from the highway by electrically operated entrance gates and plot 2 contained a small amenity building, a touring caravan and some minor sheds for pets.

Policy context

4. The development plan for the area includes saved policies in the South Derbyshire Local Plan 1998 (the 1998 Plan) and the South Derbyshire Local Plan Part 1 adopted in June 2016 (LPP1). I will consider the degree of accord of any saved policy with the more recent National Planning Policy Framework (the Framework) as it arises in the issues below. The Council is also producing a Local Plan Part 2 (LPP2) which is being examined about the same time as this appeal. Although the plan is not formally adopted, the policies in the submitted plan can be given some weight at this advanced stage in the process.
5. The Council accepts that at the moment there is an undersupply of gypsy and traveller pitches within the district compared to the need identified in the updated Gypsy and Traveller Accommodation Assessment (2008) (GTAA) and that the five year supply of suitable sites, as required by the national 'Planning policy for traveller sites' (PPTS), cannot be met.

Effect on character and appearance

6. The visual impact of the additional pitch and amenity block has to be assessed in the context of the existing caravan site. There are glimpses of the caravans and buildings and the gravel surfaced access and manoeuvring space through the gates at the entrance way but otherwise views of the caravans and amenity buildings on the site are mostly screened from Sutton Road by a roadside hedge.
7. The Council also refers to the visual impact from the footpath (Church Broughton 6) which locally runs in a north-south direction in the adjoining field. The Council refers to views from the public footpath to the present visually harsh form of a 1.8m high close boarded fence along the boundary of the site. The tops of caravans appear over this fence but otherwise the presence of the additional touring caravan and static caravan would not be prominent in the general landscape or when viewed from the public realm.
8. However, I have concerns about the scale of the amenity buildings now proposed. The present amenity building on plot 2 is low key with a simple mono-pitch roof which results in the building having a similar height to a static caravan. The Council also refers to other amenity buildings on the site having a floor area of 8m by 4.5m and a ridge height of 4.1m. In contrast, the amenity buildings now proposed to be erected on both of the proposed halves of plot 2 are considerably larger with a footprint of 11m by 8m and a ridge height exceeding 5.5m. This is of the scale of a small bungalow.
9. I note that the appellant says that the Council have granted planning permission for an amenity building on plot 1 with similar dimensions to the ones proposed in this appeal scheme. However, it appears to me that the further subdivision of the plot and the greater bulk of the structures would result in a materially intensive form of physical development on the overall site if this scale of amenity building was further repeated.
10. The inspector who allowed the original appeal for the development of the site concluded in the balance of considerations that the development would cause some harm to the character and appearance of the area but that it was capable of being satisfactory assimilated into the environment. However, to my mind the scheme now proposed is materially different in that the scale of permanent

buildings proposed would be significantly larger and be of much greater building bulk. These buildings are likely to be very visible in the surrounding countryside landscape over the local vegetation and screen fences and walls and the touring caravans, static caravans and most of the utility buildings on neighbouring pitches and are unlikely to be capable of being satisfactorily assimilated into the landscape, even if some additional screening was possible along the south west boundary of the site.

11. Overall on this issue, I find that while the increase in the number of pitches on plot 2 from one to two would not be prominent or harmful in the countryside landscape, the erection of the proposed amenity buildings would have a significantly greater impact on the local landscape than the existing form of development and the amenity building already permitted in Plot 1. As such I find that the proposal would not accord with the criteria set out in Policy H22(i) of the Part 1 Local Plan.

Whether overall scale would dominate settled community

12. The Council is concerned that the proposal to double the pitches on plot 2, in addition to the original number of 5 pitches, and the further three additional pitches, would lead to a scale of development at the Broughton Caravan Park that would dominate the settled community. The Council refers to there being 13 residential properties within the hamlet of Mount Pleasant whereas the overall gypsy and traveller site started at 5 pitches, which the inspector considered would not dominate the settled community, but this has now grown to 8 pitches and the proposal would increase the total to nine pitches.
13. New gypsy and traveller sites being of an appropriate scale is a factor set out in Policy H22 of the Part 1 Local Plan but the policy does not put forward a test about whether the scale of the gypsy site as enlarged would dominate the settled community. The decision notice refers to Policy BNE5 of the emerging Part 2 Local Plan which is concerned with 'development in the countryside' but the criteria set out in parts A and B of the policy do not make reference to this concern about the settled community being dominated.
14. The PPTS advises in 'Policy C - Sites in rural areas and the countryside' that when assessing the suitability of gypsy and traveller sites, local planning authorities should ensure that the scale of such sites 'does not dominate the settled community'. The PPTS does not clarify how this test should be assessed but I have also had regard to the Council's reference to the Minister's response¹ where he referred to the PPTS as quoted above. I have also had regard to the representations submitted by Church Broughton Parish Council and Mrs H Wheeler (then the local MP).
15. Comparing the two sets of communities in terms of the households present, the scale of gypsy and traveller sites envisaged at 9 pitches would still be less than the existing number of settled households. Further, the physical and visual relationship of the two communities appears to be a relevant factor. At my site visit I considered that the siting of Broughton Park is materially away from the scattered collection of houses that make up the hamlet of Mount Pleasant. Broughton Caravan Park is therefore likely to be beyond the general 'sight and sound' of other residents of the hamlet although the presence of the site is

¹ Brandon Lewis MP - Secretary of State for Housing and Planning

apparent through the gateway into Sutton Road and the degree of traffic coming and going to the site may also be noticeable.

16. Nevertheless, viewed in the round, I do not consider that the additional pitches proposed in this application would give rise to a scale of gypsy and traveller accommodation locally which would dominate the settled community.

Planning balance

17. Bringing together my conclusions on the main issues, I have found that while the scale and nature of the additional pitch, together with the number originally approved and subsequently added to, would not dominate the settled community, the proposal would have a significant adverse effect on the open rural landscape setting of the site. This would be caused not by the addition of a further touring caravan and static van but by the height and bulk of the amenity buildings proposed, especially when compared to the existing modest single amenity building. This visual impact renders the proposal to be in conflict with the criteria set out for acceptable forms of gypsy and traveller development in Policy H22(i) of the Part 1 Local Plan.
18. This harm needs to be balanced with the other considerations. I note that there was an officer recommendation of approval for the application which was not accepted by the Council's Planning Committee, but I have considered the proposal on its individual merits and in relation to the provisions of the development plan and other material considerations including relevant national policy, particularly in the PPTS. The latter requires that a five year supply of new sites is planned for but this is not met by the Council at the moment and there is a recognised undersupply of available sites for gypsies and travellers.
19. Nevertheless, I do not consider that these general factors outweigh the specific and permanent harm that would arise with this development, nor would the harm be addressed by a temporary permission and in any event the proposal is for permanent buildings. The environmental harm identified means that the proposal does not fulfil the environmental role of sustainable development and I find that the proposal does not constitute 'sustainable development' as set out in the National Planning Policy Framework when this is considered as a whole.
20. I conclude that the other considerations that apply do not outweigh the conflict with the development plan and the adverse effects that would arise with the development proposed.

Conclusions

21. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR