



Appeal Decision

Hearing Held on 6 December 2016, 18 & 19 May 2017

Site visit made on 19 May 2017

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/P1615/W/16/3148326

Greenacres, Gloucester Road, Corse, Gloucestershire GL19 3BY

- 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 L Butler against the decision of Forest of Dean District Council.
 - The application Ref P1852/14/FUL, dated 24 October 2014, was refused by notice dated 21 October 2015.
 - The development proposed is the use of land for the stationing of caravans for residential purposes for 4no. additional gypsy pitches to include the formation of hardstanding and utility/dayrooms ancillary to that use, in addition to the provision of a utility/day room on the existing gypsy pitch to be retained, granted in appeal decision APP/P1615/A/08/2089675 and the retained use of land for the stabling of horses in the adjacent paddock.
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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 4no additional gypsy pitches to include the formation of hardstanding and utility/dayrooms ancillary to that use in addition to the provision of a utility/day room on the existing gypsy pitch to be retained, granted in appeal decision APP/P1615/A/08/2089675 and the retained use of land for the stabling of horses in the adjacent paddock at Greenacres, Gloucester Road, Corse, Gloucestershire GL19 3BY in accordance with the terms of the application, Ref P1852/14/FUL, dated 24 October 2014, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. At the Hearing applications for costs were made by Mr L Butler (the appellant) and Mr Martin (a local resident), against Forest of Dean District Council. These applications are the subject of separate Decisions.

Procedural Matter

3. The Hearing opened on 6 December 2016 and was adjourned due to the late notification of interested parties of the arrangements for the Hearing. The Hearing resumed on 18 May 2017 and sat for two days. The Council published a new Gypsy and Traveller Accommodation Assessment (GTAA) in March 2017. This provided an updated assessment of the need for sites within the Forest of Dean and I have taken it into account in reaching my decision.

4. The Hearing was adjourned on 19 May 2017 to enable the appellant to review the evidence submitted by Mr Moore of ORS, which was submitted by the Council on 12 May 2017. An exchange of evidence followed which concluded with the appellant's final comments on 16 June 2017. All of this information has been taken into account in reaching my decision. The Hearing was subsequently closed in writing.
5. The Council does not dispute the gypsy status of the appellant or his children. I agree that they come within the definition of gypsies and travellers within Annex 1 Planning Policy for Traveller Sites (PPTS).

Background

6. The appeal site includes an existing gypsy pitch which was permitted at appeal in May 2009. The conditions attached to the extant permission restricted the number of caravans to 3, including a maximum of 1 mobile home. At the present time the pitch accommodates two mobile homes and two touring caravans. One mobile home is occupied by the appellant and his wife, and the other by his son, daughter-in-law and young grandson. The appellant's three adult daughters occupy the touring caravans. The appeal scheme proposes the use of the adjacent land to provide four additional pitches to accommodate the appellant's adult children and grandson. Should the appeal be successful the mobile home occupied by the appellant's son will be removed from the existing site, as would one of the touring caravans.

Main Issues

7. I consider the main issues to be :
 - The effect of the proposal on the landscape character and appearance of the surrounding countryside;
 - Whether the location of the proposal is acceptable; and
 - Whether any harm would be outweighed by other material considerations including the general need for and supply of gypsy sites, the accommodation needs and personal circumstances of the intended occupants, to lead to the grant of a permanent planning permission.

Reasons

Landscape Character and Appearance

8. The appeal site comprises the existing traveller site and the adjoining land to the rear. It comes within the Vale of Hillocks character area and the Corse Wood Hill area as identified by the Landscape Character Assessment (LCA) for the Forest of Dean. The surrounding landscape displays a number of the characteristics identified by the LCA. The existing site occupies an area of relatively low lying land screened by the mature hedgerows to the front and southern boundaries of the site. The land gently rises towards an area of woodland on the upper slope. The landscape is predominantly pastoral in character and is visible from footpaths and roads on higher land within the wider area.
9. It is proposed to retain the existing access onto Gloucester Road (the A417) and to provide four mobile homes on the extended part of the site together with four utility/day rooms. Due to the topography the additional pitches

- would occupy slightly higher land than the existing mobile home. Access to the proposed pitches would be from the existing track. The existing unauthorised mobile home on the original pitch would be removed and a utility/day room provided. It is intended that the existing planting adjacent to the track will be retained and reinforced, with additional hedgerows planted around the pitches.
10. The appeal site is located adjacent to a commercial bakery which includes a small shop. There is a small group of dwellings at Church Lane to the southwest and other scattered dwellings close to the appeal site.
 11. The Council consider that the proposal would be out of character with the two storey development in the locality and the scattered pattern of development. Whilst the dwellings in the locality are for the most part two storeys high, I do not consider this to be intrinsic to the character of the area. Many of the two storey dwellings include significant single storey buildings within their curtilage. The bakery, which is the nearest neighbour to the appeal site, comprises a number of single storey buildings. Therefore the single storey nature of the development would not be out of keeping with the character of locality.
 12. The appellant considers the area to be residential rather than agricultural in character. I disagree. The surrounding area is overwhelmingly rural in character, with the scattered residential development typical of a small hamlet. The appeal proposal would represent an extension of residential development and the character of the site would change. HoI do not consider the scale of the development to be such that it would have a significant effect on the character of the area as a whole.
 13. Views of the proposed mobile homes and day rooms would be limited. From Gloucester Road the most significant view would be from the vicinity of the entrance from where the additional mobile homes may be seen. From this viewpoint the alignment of the access road limits the extent of views. The existing mobile home is partially visible and the part of the proposed mobile homes would only be noticeable from the entrance itself. Most people travelling along the A417 would be in vehicles and therefore such views would also be fleeting. The proposal includes areas of native tree and shrub planting adjacent to the existing track which serves the site, as well as around the proposed plots. Once established this would mitigate views from the entrance of the site.
 14. Further to the south the roofs of the proposed mobile homes may be glimpsed in views from field gates and the forecourt of the petrol station, but they would be substantially screened by the existing vegetation. As such they would not be prominent in these views. They would also be discernible from a short length of the public footpath to the south west of the site, but due to the lower level of the footpath compared to the adjacent highway any views would be very limited and would not impact on the character of the locality.
 15. The proposed development would also be visible from the entrance to the bakery in Worcester Road. From this viewpoint the proposal would be seen in the context of the car park and buildings which comprise the bakery. Whilst the proposed landscaping would be unlikely to entirely obscure views of the mobile homes and utility/day rooms from this viewpoint, it would minimise their impact on the landscape. Therefore although the proposal would give rise to some visual harm, it would be very localised.

16. There would also be some more distant views of the appeal site from the higher land to the north. Although the site is distinguishable in these views, due to the intervening vegetation, the proposal would not significantly impact on them, but would be seen as part of the sporadic development which characterises the surrounding countryside.
17. I appreciate that not all of the hedges to the boundary of the site are within the appellant's control. The appeal scheme includes additional hedges and tree planting around the extended part of the site. I understand that the hedge adjacent to the highway is in the control of the Highway Authority and there is no credible evidence to suggest that it will be removed in the future. Moreover, there is potential for both this hedge and that to the south of the site to be supplemented with additional planting on the appellant's land if necessary.
18. Local residents are concerned that the proposal could impact on their enjoyment of the landscape. They refer to the appeal decision in respect of the existing pitch where the inspector acknowledged that the extension of the existing use onto other parts of the appellant's land could have significant and unacceptable visual effects. As explained above, public views of the proposal would be very localised. Views from neighbouring properties would be confined to upper floor windows. A change in the nature of a private view from a window is not regarded as a planning matter. The appellant's landholding extends beyond the appeal site, and whilst I agree with the previous inspector that the extension of the existing use could potentially have unacceptable visual effects, for the reasons given above, I consider that the appeal proposal as submitted would not have an unacceptable effect on the character or appearance of the landscape.
19. The proposal would give rise to some localised landscape harm. However, taking account of the context of the site and proposed mitigation, it would not have a significant effect on the character and appearance of the area overall. The proposed landscaping would minimise any harm, and the proposal would maintain the landscape character of the locality and in this regard would comply with policy CSP.1 and CSP.6 of the Core Strategy which together seek to protect and enhance the character of the environment and minimise the effect of gypsy and traveller sites on the landscape.

Location of development within the countryside

20. Core Strategy policy CSP.4 seeks to reinforce the existing pattern of development and to concentrate most development within the settlement boundaries. Amongst other matters, it expects proposals to improve the quality of their environment and states that any development that is not located at settlements will need to be justified.
21. The appellant suggests that policy CSP.4 is inconsistent with the National Planning Policy Framework (NPPF) because it implies that development falling outside of the settlement boundaries will not be acceptable, and that the categories of development that are permissible outside of settlement boundaries are too restrictive. For this reason the appellant considers that policy CSP.4 should not be afforded full weight.
22. The NPPF and Planning Policy for Travellers Sites (PPTS) confirm that planning law requires proposals to be determined in accordance with the development

plan unless material considerations indicate otherwise. Nonetheless, they are both relevant material considerations. Paragraph 215 of the NPPF requires due weight to be given to the relevant policies within existing plans according to their consistency with the NPPF.

23. I consider that the principle of directing most development towards the larger settlements to be entirely consistent with the policies within the NPPF. Policy CSP.4 provides some flexibility in terms of development located outside of established settlements. Amongst other matters, it aims to minimise infrastructure costs and the loss of greenfield land. These aims are consistent with paragraph 26 of PPTS which states that local planning authorities should attach weight to the effective use of brownfield land. NPPF paragraph 111 also promotes the development of brownfield land, whilst the core planning principles at paragraph 17 aim to conserve and enhance the natural environment and encourage the use of previously developed land.
24. The list of development which may be acceptable outside settlements provides examples and is not a closed list. Rather than seek to prevent all such development, policy CSP.4 requires any such development to be justified. Although PPTS accepts that gypsy and traveller sites may be acceptable in rural or semi-rural settings, paragraph 25 is clear that 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. I consider that policy CSP.4 is generally consistent with the NPPF and PPTS and therefore should be afforded substantial weight.
25. CSP.6 states that sites will be provided for gypsies and travellers, and that allocations will be made to reflect any identified need with preference given to locations near, or in, the towns and larger villages. It sets out criteria for allocated and unallocated sites. These include that sites should minimise their impact on the surrounding landscape and be compatible with nearby land uses; provide safe and suitable access to the highway network; be able to provide services; be reasonably close to or in a settlement with services and facilities and be capable of providing a satisfactory environment.
26. The appellant considers that the preference for sites near towns and villages within policy CSP.6 is not reflective of PPTS. Reference is made to policy C of PPTS which states that gypsy sites within the countryside are acceptable provided their scale does not dominate the nearest settled community. Policy H states that traveller sites within the open countryside away from existing settlements should be very strictly limited, although it does not preclude development within such areas. It is also suggested that policy CSP.6 is inconsistent with paragraph 55 of the NPPF which allows for new residential development except in isolated locations.
27. The preference for sites near towns and villages within policy CSP.6 is reflective of the overall spatial strategy of the development plan. Policy CSP.6 does not seek to prevent the provision of gypsy and traveller sites outside the preferred locations. I do not consider policy CSP.6 to be inconsistent with the NPPF or PPTS. Indeed, paragraph 55 of the NPPF states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities.
28. It is also suggested that the requirement for convenient access and adequate parking provision is vague and out of step with the NPPF and therefore

inconsistent with it in this regard. The appellant considers the requirement for the provision of services to be onerous and discriminatory since it is not required for other forms of residential development. The requirement for convenient access and suitable parking is entirely consistent with the NPPF, including paragraph 32, which states that amongst other matters plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people. Whilst the provision of services such as water and sewage may not be specified as requirements in terms of housing policies, such matters are generally covered by building or other regulations. Moreover, paragraph 26 of PPTS states that when considering applications weight should be attached to promoting healthy lifestyles. A satisfactory water supply and the means of sewage disposal/treatment are intrinsic to a healthy lifestyle. I therefore do not consider this aspect of policy CSP.6 to be discriminatory.

29. The appellant considers the requirement for gypsy and traveller sites to be reasonably close to, or in, a settlement with services and facilities is considered to be inconsistent with the NPPF and PPTS in that it limits the consideration of sustainability to proximity to services. Although the policy states that preference will be given to such locations this is not a requirement. The Core Strategy pre-dates the NPPF and therefore may not fully reflect its approach to sustainability. Whilst policy CSP.6 addresses accessibility to services and facilities, which is one facet of sustainability, but it does not refer to this as sustainability in the manner suggested by the appellant. The broader definition of sustainability is addressed by policy AP1 of the emerging Allocations Submission Plan August 2015. I conclude that the provision of criteria to guide the allocation of sites and assess proposals that may come forward on unallocated sites within policy CSP.6 is consistent with policy H of PPTS and should be afforded significant weight.
30. The appeal site is situated outside the settlement boundary in an area defined as countryside by policy CSP.4. It is located adjacent to the A417 and the additional pitches proposed would use the existing access permitted at the time of the previous appeal. Neither the Council, nor the Highway Authority, object to the proposal on grounds of highway safety. Local residents refer to a number of frequent minor collisions within the area. However, there is no evidence to suggest that these were associated with the use of the appeal site and in the absence of any substantive evidence to the contrary, I am satisfied that the proposal would provide safe and suitable access to the highway network.
31. The existing cess pit would be used for foul drainage from the proposed pitches and there is an existing water supply on the appeal site. There is no evidence to suggest that the additional pitches proposed would be incompatible with either the adjacent bakery or the dwellings nearby.
32. Although the appeal site lies outside a settlement, the adjacent bakery includes a small shop selling bread milk and a limited range of fresh produce. There is a petrol station a short distance to the south which also includes a small shop. There is a wider range of services at Corse and Hartpury, which are 1.2km and 2.1 km from the appeal site. These services include a GP surgery, primary school, post office, sports centre and restaurants.
33. Therefore residents of the site would be able to meet their day-to-day needs in the immediate vicinity, and there is a wider range of services and shops a short

distance from the appeal site. Whilst I recognise that Hartpury and Corse are within an acceptable walking and cycling distance from the appeal site, due to the level and speed of traffic using the A417 and the absence of any footpath, I consider that most people would be discouraged from walking. There is a bus service between Tewkesbury and Gloucester, and the bus stop is situated 0.13km from the site. However, the service is not particularly frequent and provides a two hourly service. Therefore although occupants of the proposed pitches would not necessarily be reliant on the use of a car, it is likely that many of their journeys would be made by car, but they would not necessarily be lengthy.

34. I am therefore satisfied that the proposal would comply with policy CSP.6 as a whole. Having regard to the services and facilities in the locality and the effect of the proposal on the character and appearance of the area I am satisfied that the location of the proposal within the countryside is acceptable in principle and would not conflict with policy CSP.4.

Other Material Considerations

Need for Sites

35. The most recent Gypsy and Traveller Accommodation Assessment (GTAA) (March 2017) covered the local authority areas of Cheltenham, Cotswold, Forest of Dean, Gloucester, Stroud and Tewkesbury. As well as updating the needs assessment, it also sought to reflect the change to the planning definition of gypsies, travellers and travelling showpeople within PPTS. Unlike the previous definition it excludes those who have ceased to travel permanently. This group no longer falls under the planning definition of a traveller for the purposes of assessing accommodation need in a GTAA.
36. The GTAA distinguishes between the needs of those households that meet the planning definition of a Gypsy or Traveller, those households that do not meet the planning definition and those where an interview was not able to be completed and it is unknown whether they meet the planning definition. It explains that the housing needs of those households who do not meet the planning definition will need to be addressed through other means such as the Strategic Housing Market Assessment or Housing and Economic Development Needs Assessment. For the purposes of assessing the current and future need for pitches the GTAA has taken account of any need arising from the unknown households. The appellant does not differentiate between the various categories of gypsies on the basis that they are all ethnically gypsies whether they meet the definition in PPTS or not.
37. In the case of the Forest of Dean the GTAA identified a need for up to 15 additional pitches for the period up to 2031, (6 to meet the needs of households who meet the definition and up to 9 pitches for those for whom it is unknown whether they meet the definition). The appellant considers the need to be considerably higher and suggests that there is a need for about 53 pitches for the period to 2021 and a need for a further 24 pitches up until 2031.
38. The differences between the parties are due to a number of factors, the most significant of which are the baseline data and household formation rates. The most recent baseline data includes 20 pitches at The Woodlands, Bromsberrow and 15 transit pitches at the same location. The appellant believes that there

are 28 permanent pitches, and that the planning permission granted in 2011, for 20 permanent and 15 transit pitches on this site, has not been implemented. The Council's view is that the permission has been implemented, but that not all of the conditions have been complied with. The 28 pitches referred to by the appellant relate to a planning permission for 28 transit pitches permitted in 2001. The appellant referred to the Southend Lane, Newent appeal decision in support of his view¹. In that case the inspector considered the evidence from Mr Wilson, the co-owner of the site. Mr Wilson confirmed that there were 20 permanent pitches and only 3 spare transit pitches. The Inspector did not conclude that there were 28 permanent pitches on the site, nor was this the position put forward by Mr Wilson. Looking at the figures within the caravan counts for July 2012, January 2013 and January 2016 it would seem that the number of caravans on this site has varied between 25 and 15. I appreciate that the caravan count is not entirely reliable and that occupants may have been away travelling at the time of the count. Although the evidence submitted to the Hearing is inconclusive on this matter, having regard to the evidence from the caravan count, and Mr Wilson's evidence to the Southend Lane, Newent Inspector, I prefer the evidence of the Council.

39. In addition, the baseline data allows for 1 concealed/doubled up household. This relates to the appellant's son who occupies the second mobile home on the appeal site. The appellant also has three adult daughters in need of their own pitches. They are not included in the GTAA and therefore three additional pitches should be added to the baseline data.
40. The other significant difference in terms of baseline data relates to hidden need arising from families living in bricks and mortar accommodation. The GTAA explains that despite extensive efforts to identify such households, no interviews were completed with travellers living in bricks and mortar accommodation. Consequently there is no allowance for hidden need within the GTAA. The appellant calculated the hidden need based on three times the number of gypsies living in bricks and mortar as there are in the caravans, and assumed that at least 5% of these would wish to live in a caravan. On this basis he suggests that the baseline data should include at least 14 additional households to meet this hidden need. Whilst I acknowledge that it is probable that there would be some demand from gypsies and travellers living within bricks and mortar, there is insufficient evidence for me to conclude that the number is as high as suggested by the appellant.
41. The parties also differ in terms of household growth rates. The GTAA was undertaken by Opinion Research Services (ORS), part of Swansea University. ORS's research indicates that the average annual household growth rate is in the order of 1.50%. The GTAA adjusts this figure according to local demographics, such that within Cotswold District the rate is 1.90%, whilst in the Forest of Dean it is 1.40%. ORS prepared a technical note in 2015 to justify this rate. This note has been subject to peer review and was published in Social Research Practice in 2016/17.
42. The appellant's position in respect of household growth rates has changed during the course of the appeal from an initial figure of 3.0% to 1.90% in the most recent submission. Many of the elements that the appellant considers

¹ APP/P1615/A/12/2175502

contribute to the higher household formation rate have been taken into account in the ORS research. There remains a difference between the parties as to the life expectancy of gypsies and travellers. The appellant submits that life expectancy at birth is 89 years, whilst ORS believe 72 years to be a more realistic figure. ORS rely on research from the University of Sheffield which found that life expectancy amongst gypsies and travellers was about 10-12 years less than for average. ORS found that using a life expectancy of 72 the results were consistent with the 2011 census. I therefore prefer the evidence of ORS which has been subject to greater scrutiny.

43. Notwithstanding my findings above, the Council does not dispute that there is a need for additional pitches. The evidence submitted at the Hearing indicates that there is a minimum need for 18 pitches, and of these at least 5 are required to meet current need, with a further 7 for the period up to 2021. Therefore whilst for a number of reasons, it is not possible to determine the precise extent of the need, I am satisfied that it is almost certainly greater than identified by the GTAA, moreover any changes to the baseline data will also have implications for future household growth. Consequently the figures above represent a minimum.

Supply of Sites

44. The emerging Allocations Plan Submission Draft (August 2015) identifies Oak Tree Park, Churcham, and Woodlands Farm, Bromsberrow Heath as potential sites to meet the need for gypsy and traveller accommodation.
45. It is evident from the most recent GTAA that the Churcham site currently provides 7 pitches. The appellant states that the site is occupied by the Smith family, and that the pitches are all privately owned and subject to a personal planning permission. This evidence was not disputed by the Council, and on this basis it would seem that these pitches would not contribute towards meeting the need for pitches within the Forest of Dean. The other allocation relates to Woodlands Farm. The Council acknowledge that these pitches are occupied and contribute to the existing site provision. Consequently, neither of these sites would assist with meeting the need for gypsy and traveller pitches identified by the GTAA.
46. In his interim findings, the inspector examining the Allocations Plan was satisfied that existing needs for gypsies and travellers had been planned for, and there would be a modest surplus of sites. This view was based on the evidence submitted to the examination. However, the evidence base on which his conclusions rely has changed with the publication of the most recent GTAA. I understand that the Hearings are due to resume in the summer months, and the revised GTAA will be used to inform discussions.
47. I conclude that the GTAA is likely to underestimate the number of gypsy pitches required and there is a significant unmet need for sites for gypsies and travellers in the area. At the present time the Council cannot demonstrate a supply of pitches to meet the existing need, or a 5 year supply of pitches in accordance with Policy B of PPTS. I therefore conclude that there are no alternative sites available to the appellant and this matter adds significant weight in favour of the proposal.

Failure of Policy

48. The appellant alleges that there has been a failure of policy in that the emerging Allocations Plan fails to allocate sites to meet the identified need; the evidence base on which it relies is flawed and therefore in the absence of a robust assessment of need it is unlikely that the need for pitches will be met; and it is difficult to assess which families meet the PPTS definition of gypsies and traveller.
49. I accept that in its present form the emerging Allocations Plan does not make adequate provision to meet the current and future need for pitches. However, the plan remains subject to examination, and the updated evidence base and its consequences for the identification of sites to meet the need for pitches is a matter for the Allocations Plan Inspector. However, policy CSP.6 provides for both the allocations of sites to meet the identified need for pitches and criteria against which other proposals will be assessed. This approach is consistent with paragraphs 7 and 11 of PPTS. I am therefore not convinced that at the present time there is a failure of policy on the part of the Council.

Accessibility

50. The Council considers that the proposal would not be consistent with paragraph 35 of the NPPF which seeks to encourage sustainable modes of transport. The appeal site is within walking distance of the shop at the petrol station as well as the bakery. I agree with the Council and local residents that it is not an attractive walk due to nature of the verge and the speed and volume of traffic. However, the distance involved is not great and in my view, during daylight hours the route is not so inhospitable that it would deter those predisposed to walk. Although it is not especially frequent, the bus service would allow occupants of the site to access the nearby towns of Gloucester and Tewkesbury.
51. Paragraph 29 of the NPPF recognises that although the transport system should be balanced in favour of sustainable transport, different policies and measures will be required in different communities and the opportunities to maximise sustainable transport will vary from urban to rural areas. Whilst I accept that occupants of the site would be likely to be dependent on the use of private vehicles for many of their journeys, there are alternative means by which occupants of the site could meet at least some of their transport needs.
52. Local residents suggest that the proposal would dominate the nearest settled community contrary to paragraph 14 of PPTS. The proposal would increase the overall number of pitches to 5. PPTS does not define the 'nearest settled community', but I consider it extends beyond the immediate vicinity of the appeal site. A community would generally be served by facilities that focus on that area. The appellant suggests that it could include the parish, which would include many more dwellings beyond the 4 or 5 in the immediate vicinity of the appeal site, as well as the GP surgery and primary school. This area would include many of the attributes normally associated with a community. Based on this definition the appeal site could not be considered to dominate the nearest settled community.
53. If 'the nearest settled community' is defined as area closer to the appeal site, I consider it would include the bakery and the petrol station as well as the houses close to the petrol station. Even based on this very limited

interpretation, I do not consider that the proposal would dominate the community, either visually or through pressure on infrastructure and services.

Balance

54. I concluded above that the proposal would not harm the character and appearance of the area. In addition, the location of the site within the countryside would be consistent with the relevant development plan policies, including policy CSP.6 in respect of gypsy and traveller sites. It would therefore comply with the development plan as a whole.
55. The proposal would also deliver the benefits associated with the provision of a settled site, including access to education and health services. In the absence of any suitable alternative sites the proposal would also help to address the significant unmet need for gypsy sites and the absence of a 5-year supply of such sites. There is no evidence before me to suggest that the proposal would place any undue pressure on infrastructure and services, or that the site is vulnerable to flooding. Overall the proposal would be consistent with the criteria at paragraph 13 of PPST. I therefore conclude that the proposal would represent sustainable development and would be consistent with policies in the Development Plan, NPPF and PPTS as well as policy AP1 of the emerging Allocations Plan.
56. Representations were made to the effect that the human rights of the appellant and his family would be violated if the appeal were dismissed. As I have decided to allow the appeal, I do not need to deal with this matter.

Conditions

57. I have considered the conditions suggested by the Council in the light of the advice at paragraphs 203 and 206 of the National Planning Policy Framework and the Planning Practice Guidance.
58. The occupation of the site should be limited to those gypsies and travellers who meet the definition within PPTS to ensure that the site continues to contribute to meeting the need for sites within the area. The site should be laid out in accordance with the plans showing the amenity blocks and the site layout, in order to limit the impact of the proposal on the surrounding countryside. The number of pitches and caravans on the site should be controlled, since a larger development could have unacceptable impacts in terms of the character and appearance of the countryside and traffic generation.
59. Details of the proposed materials for the dayrooms/utility buildings are required in order to ensure that the proposal would have a satisfactory appearance. For the reasons discussed at the Hearing a separate condition requiring the details of surface water and sewage is necessary in order to ensure that these are acceptable and to protect any nearby water courses.
60. No vehicle over 3.5 tonnes should be kept on the site and no commercial activities should take place on the site in order to protect the character and appearance of the area. At the Hearing, the parties agreed that an additional condition limiting the number of commercial vehicles on the site was unnecessary and potentially unenforceable.
61. I agree that a scheme of hard and soft landscaping should be submitted for approval in order to help assimilate the proposal into the countryside. For the

same reason the existing hedges on the site should be retained and protected during the course of development. A condition requiring the hedge to be maintained at a minimum height of 2.4 metres would be difficult to enforce since much of the hedge to Gloucester Road is not under the control of the appellant. Details of any external lighting should be submitted for approval in order to safeguard the appearance of the area.

62. Although the proposed fencing may form part of the landscaping scheme, I nevertheless consider that permitted development rights in relation to fences should be removed, since given the number of plots proposed they could have a significant impact on the character of the countryside and the prominence of the proposal. Moreover, I note that such rights are restricted in relation to the existing site.

Conclusion

63. For the reasons given above I conclude that the appeal should be allowed.

Lesley Coffey

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Green	Planning Consultant
Ruth Reed	Landscape consultant

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Colegate	Forest of Dean District Council
Nigel Gibbons	Forest of Dean District Council
Keith Chaplin (December 2016 only)	Forest of Dean District Council
Steve Jarman	ORS
Nigel Moore	ORS

INTERESTED PERSONS:

Mark Campbell (Representing local residents)	Evan Jones Planning Consultant
Phillip Burford	Chairman of Corse Parish Council
James Kelly	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Curriculum Vitae for Matthew Green and Ruth Reed
- 2 Witness statement on behalf of Leonard Butler
- 3 Appeal decision in respect of Foscombe Hill, Corse (Ref: APP/P1615/A/05/1180820)

DOCUMENTS SUBMITTED FOLLOWING THE HEARING

1. Appellant's response to Nigel Moores Evidence
2. ORS response to the Appellant's Comments
3. Appellant's final response

Appeal Ref: APP/P1615/W/16/3148326

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 3) The development hereby permitted shall be carried out in accordance with the plans 07_087A_003 REV.A and 07_087A_005.
- 4) There shall be no more than 5 pitches on the overall site and on each of the 5 pitches hereby approved no more than two caravans, shall be stationed at any time, of which only one caravan shall be a static caravan.
- 5) Details of the roofing and external facing materials for the utility buildings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) A scheme for the means of foul and surface water drainage of the site shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the additional pitches are first occupied.
- 7) No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it 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 development shall commence until details of both hard and soft landscape works, together with a programme of implementation have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved and implementation programme. Any tree, shrub or hedge which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) The development shall be implemented in accordance with a scheme for the protection of the existing boundary hedges, including their root systems. The scheme shall be submitted to and approved in writing by the local planning authority.
- 11) Details of any external lighting to be installed shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved details.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order

revoking and re-enacting that Order with or without modification), no fences or gates shall be erected exceeding 1 metre in height.

*** END OF CONDITIONS ***