



Appeal Decision

Site visit made on 2 December 2019

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2019

Appeal Ref: APP/Q3305/W/19/3225389

The Batch, Highcroft Lane, Binegar, Radstock, Somerset BA3 4PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Timothy Gregory against the decision of Mendip District Council.
 - The application Ref 2018/3078/FUL, dated 17 December 2018, was refused by notice dated 12 February 2019.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether or not the proposal is acceptable, with particular regard to its effects on traveller pitch provision and character and appearance.

Reasons

3. The appeal site has been the subject of planning appeals in 2011, 2017 and 2018.¹ The 2017 and 2018 appeals for the conversion of a building to a dwelling being unsuccessful, the authorised use of the site dates from the 2011 appeal. The appellant contends that the 2011 appeal established the lawful use of the site as 'residential'. However that decision was in the context of 'substantial and irrefutable demand for additional gypsy and traveller sites in the District...'. A need for 93 additional traveller pitches between 2010 and 2020 is given as existing in 2011.
4. It appears needs for traveller pitches have since increased, if considered on an annual basis. The Council cites a present need for 90 pitches in the District, which is not specifically disputed. That figure appears to be to 2020 also, as set out in paragraph 2.32 of the Local Plan 2006-2029 (adopted 15 December 2014, the 'LP'). LP policy DP15 explains how existing authorised traveller sites will be 'safeguarded unless they are no longer required to meet identified need'. Establishing a sufficient supply of traveller sites, in line with Planning Policy for traveller sites 2015 ('PPTS'), is often challenging for various reasons.
5. That specific policies apply to pitch provision via DP15 and PPTS is in recognition of those challenges, and also of the particular needs of travellers

¹ APP/Q3305/C/10/2140376 & APP/Q3305/C/10/2140377, APP/Q3305/W/17/3178317, APP/Q3305/W/17/3183320.

- compared to other individuals. The Government's overarching aim is to ensure fair and equal treatment for travellers. In that context LP policy DP15 allows for more flexibility than LP policies CP1 and CP2 regarding general housing provision in respect of the potential acceptability of a given site. In brief there is greater leeway for traveller sites to come forward outside of settlement boundaries (which do not, by implication, define locations that are isolated). The appeal site falls beyond, albeit abutting, the Binegar settlement boundary.
6. In 2011 certain individuals residing at the appeal site did not fall within the planning definition of travellers. The Inspector addressed that in his reasoning. He explained that those individuals nonetheless lived together as a family unit and that the educational needs of their children influenced their intention to settle. In that context, condition 1 to the 2011 appeals limited occupation of the site to 'gypsies and travellers', as defined in ODPM Circular 01/2006 (a predecessor to PPTS). The planning definition of traveller then included those who had ceased to travel temporarily or permanently on account of their family's or dependants' educational needs.
 7. As set out above there remains a significant need for traveller sites in Mendip, regardless of the reasons for that being the case. I note that PPTS supports both appropriate public and private provision (paragraph 4.e). There is no indication that needs for housing for other individuals are as pressing as identifying provision for travellers, if forecast supply is expressed relative to need. Construction of the dwelling would necessitate removal of the caravan, and there is no indication that future occupants would fall within the present planning definition of travellers.
 8. Similarly there is nothing to indicate that the Council are unable to demonstrate a five year housing land supply of deliverable sites with reference to NPPF paragraphs 67 and 73. I am told simply that the appeal site has been 'occupied on a residential basis' since 2011. However at the time of my site visit the appeal site appeared to have been vacant for some time. There is, moreover, no substantive information before me as to on what basis the appeal site has been occupied since 2011, for what duration, or by whom.
 9. Consequently neither at a District nor site-specific level has it been demonstrated that the site is no longer required, or inherently unsuitable, as a traveller pitch. The proposal therefore conflicts with the relevant provisions of LP policy DP15 and aims of PPTS. There is a dilapidated caravan, timber structure, some hardstanding, and various miscellaneous items on site. The dwelling proposed would be modest in scale, traditional in design, sit low in the landform, and be partially obscured by the walls and hedgebanks along Highcroft Lane. Those factors, along with the proximity of the site to Binegar and presence of a dwelling recently constructed adjacent to Hylands opposite, would serve to limit the visual effects of the scheme to some extent.
 10. Nevertheless the dwelling proposed would be more substantial in scale and height than the caravan or building currently on site, thereby resulting in a more prominent form of development obtruding into the rural fringe of the village. Moreover, as set out above, the authorised use of the site results from the specific considerations that applied in 2011. In the absence of robust justification for a dwelling here as reasoned above, the relationship of the development proposed to the existing nature of the site carries little weight in

favour of a scheme contrary to LP policies CP1 and CP2 by virtue of its location (including in respect of complying with the relevant provisions of policies DP1 and DP7 which seek to ensure that all proposals integrate appropriately with their surroundings).

11. The benefits of one new home in respect of housing provision would inevitably be modest, and detrimental to meeting pressing demands for traveller provision. The proposal would furthermore, by altering the type of accommodation rather than increasing provision, have no discernible benefit to the vitality of the area, with reference to LP Core Policy 1, criterion 3, and policy CP4. Therefore even were a proposal for housing here to integrate appropriately with character and appearance, based on the evidence before me, that would not outweigh the significant harm that would result from the proposal. For the above reasons I conclude that the proposal would adversely affect traveller provision in conflict with the relevant elements of LP policy DP15 and PPTS, resulting in the creation of a house in conflict with the approach in LP policies CP1 and CP2, which is neither supported by the relevant provisions of policies CP4, DP1 nor DP7.

Conclusion

12. For the above reasons, having taken account of the development plan as a whole, the approach in PPTS and the NPPF, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Thomas Bristow
INSPECTOR