
Appeal Decision

Hearing opened on 27 February 2020

Site visits made on 27 February 2020

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2020

Appeal Ref: APP/P1615/W/19/3227891

Land south of Straight Lane, Corse

- 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 J & Mrs D Whayman against the decision of the Forest of Dean District Council.
 - The application Ref P1143/18/FUL, dated 21 July 2018, was refused by notice dated 14 January 2019.
 - The development proposed is the change of use of land to a private gypsy and traveller caravan site, consisting of three pitches, each containing one mobile home, one touring caravan and car parking, and one children's play area.
 - The hearing was conducted over two days: 27 & 28 February 2020.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to a private gypsy and traveller caravan site, consisting of three pitches, each containing one mobile home, one touring caravan and car parking, and one children's play area on land south of Straight Lane, Corse, in accordance with the terms of the application, Ref P1143/18/FUL, dated 21 July 2018, subject to the conditions in the attached schedule.

Application for costs

2. At the Hearing applications for costs were made by the Forest of Dean District Council (the Local Planning Authority – LPA) against Mr J & Mrs D Whayman, and by Mr J & Mrs D Whayman against the Forest of Dean District Council. These applications are the subject of separate Decisions.

Procedural matters

3. On the application form, the location of the site is given as land at Straight Lane, Staunton. The decision notice refers to the site as being in Corse, and it is referred to in this way in the statements of both main parties. At the hearing, the main parties agreed with the suggestion in my pre-hearing note that the site should be referred to as land south of Straight Lane, Corse, and I have identified it accordingly in the appeal details above.
4. At the hearing, Mr Lewis, representing a group of local residents, expressed concern that the Highway Authority had not been consulted on the planning application. The LPA explained that reference was made to standing advice on visibility requirements for any residential development of five or less units, and that consultation with the Highway Authority would simply result in reference

to that advice. It is clear from the LPA's report on a previous application for the proposed development that highway matters were taken into account on that occasion¹, and the report on the application which led to the appeal refers back to the consideration of the previous scheme, including the assessment of the site entrance. I am satisfied that no prejudice has been caused by the absence of consultation with the Highway Authority. Moreover, highway concerns were raised on behalf of local residents at the hearing, and I consider them below (para 38).

5. The parties' statements, supplementary documents, and documents submitted after the hearing opened are detailed in the list appended to this decision.

Main Issues

6. The fourth reason for refusal states that the application documents fail to demonstrate that occupants of the site could have basic services such as clean water, gas and electricity. The Appellants have subsequently submitted correspondence from utility companies which indicates that a water and an electricity supply can be provided to the site². In the light of this information, the LPA did not pursue the objection relating to basic services, and the Appellants had no objection to a condition preventing occupation of the site until water and electricity services had been provided.
7. The fifth reason for refusal alleged that the proposal failed to demonstrate that no harm would be caused to wildlife. In the statement of common ground (Document O2), the main parties agreed that, following the submission of the Preliminary Ecological Appraisal and the statement on behalf of the Appellants concerning ecological matters³, there is an adequate level of information, subject to the imposition of a condition requiring the approval of a construction ecological management plan, for the ecological objection not to be pursued.
8. Accordingly, I consider that the main issues in this appeal are:
 - (i) Whether the land south of Straight Lane is a sustainable location for a gypsy and traveller site.
 - (ii) The effect of the proposed development on the character and appearance of the area.
 - (iii) The general need for traveller accommodation in the Forest of Dean.
 - (iv) The personal accommodation needs and circumstances of the prospective site occupants.

Reasons

Locational sustainability

9. Policy CSP.4 of the Forest of Dean Core Strategy explains that new development must contribute to reinforcing the existing settlement pattern in a manner which emphasises the importance of the towns, and most changes within towns and villages are expected to take place within settlement boundaries. Staunton and Corse are close together, and are jointly identified

¹ Document A9, page 9.

² Appendix 2 of Document A1.

³ The Preliminary Ecological Appraisal is at Appendix 1 of Document A1. The statement on ecological matters by Mr Formaggia (who did not appear at the hearing) is Document A5.

as a service village in the Core Strategy⁴. The built-up area continues outside the settlement boundary⁵, principally along the A417, and the appeal site is beyond both, being situated in the open countryside to the east of the settlement.

10. Whilst most development is expected to take place at existing settlements, Policy CSP.4 does not preclude proposals outside settlement boundaries, and it does not give a closed list of such exceptions. Moreover the Development Plan must be read as a whole. Policy CSP.6 of the Core Strategy is concerned with traveller sites. Amongst other requirements, sites should be reasonably close to or in a settlement with local services and community facilities. It is common ground between the main parties that the site is near to the settlement, and the LPA's report on the planning application records a distance of about 640m. The range of facilities and services in Staunton & Corse is limited, but it includes a primary school, a surgery and a public house. The furthest of these from the appeal site is the surgery, which is about 1.4km from the site. There is a somewhat shorter route for pedestrians to the primary school and surgery, using public footpaths rather than Straight Lane. I observed during my site visits that these footpaths become waterlogged following periods of wet weather, and I agree with the view of local residents that this is a route which is not always suitable for use⁶. However the appeal site is reasonably close to the settlement and its facilities with reference to Straight Lane, and in this respect the proposal complies with Policy CSP.6.
11. Straight Lane lacks a footway and street lighting for virtually all of the distance between the appeal site and Staunton & Corse, and, although it is not a busy road, this situation is unlikely to encourage journeys on foot. Moreover there is no convenience store in the settlement; there is one at the petrol filling station to the south of the settlement, about 3.5km away, but this is further than a convenient walking distance for shopping trips. Staunton & Corse is on the route of the No 351 bus service which provides a link to the higher order centres of Tewkesbury and Gloucester. Bus stops in the village are within walking distance of the site, but, given the nature of the route along Straight Lane, I do not anticipate that linked walking/ bus trips would be a convenient option. A range of facilities and services is available at Newent, which at a distance of about 10km, is somewhat closer than Gloucester and Tewkesbury.
12. Given the limited range of facilities and services in Staunton & Corse, and the location of the site in relation to bus stops, I consider that it is likely that most journeys to and from the appeal site would be made by car. However journeys to reach facilities and services not available in Staunton & Corse need not be unduly long, and I am mindful that paragraph 103 of the National Planning Policy Framework (NPPF) explains that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In any event, the provision of a settled base for the Appellants and two other households would facilitate their access to health services, in line with paragraph 13 of *Planning policy for traveller sites* (PPTS).

⁴ See the table in paragraph 7.65 of the Core Strategy.

⁵ The settlement boundary is shown on the inset map at Document 3a, which also shows the built development on either side of the A417.

⁶ Photographs from local residents showing waterlogged conditions on public footpaths between the site and the village are included in Document O9.

13. The appeal site is in the countryside, but it is close to the settlement of Staunton & Corse, complying with Policy CSP.6 of the Core Strategy, and this location would enable access to be gained to facilities and services. In this respect the proposal would comply with paragraph 127(f) of the NPPF which promotes accessible development. PPTS also anticipates that traveller sites will come forward in the countryside. Policy H of PPTS makes clear that sites should be very strictly limited in open countryside that is away from existing settlements or outside areas allocated in the development plan. Given its proximity to Staunton & Corse, this part of the open countryside is not away from existing settlements, and there is no conflict with paragraph 25 of PPTS. I conclude that the land south of Straight Lane is a sustainable location for a gypsy and traveller site.

Character and appearance

Locally valued landscape

14. On an inset map of the Forest of Dean Allocations Plan 2006-2026, the appeal site is shown within a locally valued landscape at Staunton/ Corse (Document O3a), designated under Policy AP 109 of the Plan. Staunton & Corse is the location of one of five settlements built by the Chartist Land Company in the mid-nineteenth century⁷, and paragraph 44.10 of the Allocations Plan explains that Policy AP 109 is designed to protect the landscape which provides the setting for the former Chartist settlement. This historic development is largely co-extensive with Staunton & Corse Conservation Area; in consequence, the appeal site is also within the setting of the conservation area.
15. The Allocations Plan explains that the locally valued landscape is a heritage asset, mainly because it includes the areas of land originally associated with the Chartist plots. It is also considered important as it represents the area within which new development has the potential to have a detrimental effect on the conservation area.
16. The Chartist settlements were an effort to improve living conditions, with the aim of settling working people from industrial towns in agricultural communities in the countryside. Each family was to have a dwelling and a plot of land on which to provide food and generate income from the sale of crops. At Staunton & Corse about 70 plots were developed in a dispersed arrangement on either side of the A417. The nearest part of the former Chartist settlement, and of the conservation area, to the appeal site is on the northern side of School Crescent, which is separated by a few fields from the land to the south of Straight Lane.
17. The proposal involves a modest scale of development, and the three pitches would be set back from the road and positioned alongside the strong hedgerow on the southern boundary of the site. There would be a clear gap between the traveller site and the conservation area/ former Chartist settlement, and from positions on public footpaths immediately to the north of the nearest part of the conservation area (the Appellants' viewpoints 4 & 5 (VPs 4 & 5))⁸, intervening hedgerows would effectively screen the proposed development, even after leaf fall. The presence of the proposed traveller site in this position would not materially alter the rural surroundings of the former Chartist

⁷ The background to the Chartist settlements is given in Document L5.

⁸ A plan of viewpoints and photographs from these positions are in Appendix A of Document A4.

settlement, nor would it detract from its important historical association with the countryside. Within the conservation area, the arrangement of individual dwellings in spacious plots would be unaffected by the proposal.

18. I have reached the view that the proposed development would not adversely affect the setting of the conservation area and that of the former Chartist settlement. In consequence, it would not detract from the role of the locally valued landscape in protecting the setting for the former Chartist settlement, nor from the contribution that its setting makes to the significance of the conservation area. In this respect, the proposal would not conflict with Policy AP 109, nor with Policy AP 5 which requires that proposals at least preserve those aspects of the historic environment together with their settings which are recognised as being of special historic, architectural, landscape or townscape quality. For the same reasons the development would not conflict with paragraph 170(a) of the NPPF which seeks to protect valued landscapes.

Landscape character

19. In the Forest of Dean Landscape Character Assessment, the appeal site is part of the unwooded vale landscape character type. More particularly it is within The Severn Vale Landscape Character Area (LCA). The LCA is described as deeply rural, with the predominant form of settlement being isolated farmhouses, hamlets and small villages. Hedgerow trees and field trees are referred to as an important landscape feature which, together with small copses and shelter belts contribute to the sense of a well-treed landscape. That part of the LCA where the appeal site is located generally reflects this description.
20. The site forms part of an existing field, which would be sub-divided by formation of the three pitches, a play area, and the access drive from Straight Lane. It is intended that those parts of the field on each side of the drive would be used as paddocks. There are parcels of land of varying size in the vicinity, and the sub-division of the existing open field would not in itself be detrimental to the character of the landscape. Additional hedgerows between the pitches, and tree and understorey planting would complement the existing cover around nearby fields on this side of Staunton & Corse.
21. The Appellants' landscape consultant argued that Laurel Cottage, which is on the east side of the Appellants' land acts as a book-end to a ribbon of development extending eastwards along Straight Lane from the village. I do not share this view. The ribbon of development along the south side of Straight Lane comes to an end before the appeal site. Laurel Cottage is an outlier, separated from the ribbon by a distinct gap comprising the Appellants' field and other land to the west. Moreover, the pitches would not be positioned on the roadside, but would be set back behind the line of development. There are a number of buildings set back from Straight Lane, and I do not regard the position of the pitches as inappropriate. This is a proposal which would minimise its effect on the surrounding landscape as required by Policy CSP.6. Nevertheless, the pitches would represent a degree of encroachment into the countryside, which would be the cause of some limited harm, and thus a source of conflict with Policy CSP.1 of the Core Strategy and paragraph 127(c) of the NPPF.

Visual amenity

22. The mature hedgerows around the Appellants' land and on the boundaries of nearby fields, supplemented by trees, would restrict views of the pitches on the appeal site. On the approach in both directions along Straight Lane, from Pillows Green Road to the north, and from most positions on nearby public footpaths, caravans and vehicles on the site would be effectively screened. There would be views towards the pitches from the site access and through a gap in the hedgerow to the west of that point (LPA's VPs 1 & 9), but these vantage points are limited in extent, and as planting became established the development would become assimilated into the surrounding landscape. A footpath in the field to the west runs close to the boundary of the Appellants' land, and from here and the footpath in the field to the south (Appellants' VPs 6 & 7) there are strongly filtered views of the site. A belt of under-storey planting is proposed to the rear of the pitches which would strengthen the screening effect of the hedgerow on the southern boundary, and planting in front of the pitches and the play area would further restrict views from the footpath to the west. The proposal includes an appropriate landscaping scheme, as required by Policy CSP.6 of the Core Strategy, and which would not conflict with paragraph 26(b) of PPTS: implementation of the scheme could be required by a condition. There would be a limited adverse visual impact for a few years whilst the landscaping scheme became established, but thereafter I am satisfied that the development would not result in ongoing harm to visual amenity.

The general need for traveller accommodation

23. Policy CSP.6 of the Core Strategy refers to the provision of sites according to needs identified within the District, and it is common ground between the main parties that there is a need for traveller accommodation in the Forest of Dean. There is, however, disagreement about the level of that need. The Gloucestershire Gypsy & Traveller Accommodation Assessment (GTAA) of 2017 identifies a need for six additional pitches over the period 2016-31 for households which meet the definition of gypsies and travellers in PPTS⁹. It was not possible to determine the travelling status of 37 households who were not included in the survey: the GTAA points out that a proportion of these households may meet the planning definition, which could give rise to a further need for between 1 and 9 pitches¹⁰. Planning permission has been granted for four pitches since 2017, and the LPA has also drawn attention to the permission for a bungalow to provide accommodation for the manager of a traveller site at Newent¹¹, the occupation of which is restricted by a condition to persons of gypsy/ traveller heritage. On that basis the LPA argues that there is a need for between 1 and 10 pitches up to 2031. However the form of occupancy condition imposed on the bungalow at Newent does not ensure that this accommodation would be available for gypsies and travellers meeting the planning definition, and I do not consider that it contributes to meeting this category of need.
24. The Appellants' planning consultant argued that the level of need is higher, including in his calculation need not only from households who meet the planning definition, and from those whose status is unknown, but also 18

⁹ Document O6, figure 33.

¹⁰ Document O6, figure 55.

¹¹ Document L1, para 5.5.

- pitches to meet the need arising from households who do not meet the planning definition¹². Taking account of the four pitches which have come forward, he suggested that 29 pitches are required for the period up to 2031.
25. PPTS makes it clear that national policy for traveller sites is concerned with provision for gypsies and travellers who meet the definition in Annex 1. Accordingly, I do not agree with the approach to need adopted by the Appellants. Taking account of households with traveller status and those whose status is unknown, the residual need for the period up to 2031 would be between 2 and 11 pitches. Any need arising from concealed households and older teenagers is not included in the GTAA assessment relating to unknown households, and, with this factor in mind, I consider that general need is likely to be clearly above the lower end of this range.
26. Neither of the main parties submitted an assessment of the five years' requirement for and supply of gypsy and traveller pitches. The GTAA breaks down need into five year periods, the second of which is for 2021-2026, extending to just over five years' time. By 2026, it calculates a need for five of the additional pitches for households which meet the planning definition and for up to six pitches arising from the unknown households¹³. These figures for immediate and short-term need exceed the four pitches which have been provided, and reinforce the importance of additional sites coming forward.
27. Although there are two sites allocated for gypsy and traveller accommodation in the Allocations Plan under Policies AP 15 and AP 16, both have already been implemented, and they are included as existing authorised sites in the GTAA¹⁴. There is no evidence before me that any alternative sites are currently available to provide additional traveller accommodation in the District.
28. I conclude that there is an unmet need for additional gypsy and traveller pitches in the Forest of Dean District, a matter to which I accord significant weight.

Personal need and circumstances

29. It is intended that the three pitches at the appeal site would be occupied by the following households:
- James Whayman senior & Diane Whayman (the Appellants).
 - James Whayman junior (son of the Appellants) & Lorraine Whayman, and their adult sons, James and Henry.
 - Charmaine Biddle (daughter of the Appellants) & Jethro Biddle, and their adult son Joseph.
30. I heard that members of the three households have travelled to seek work in an area including Herefordshire, Worcestershire, Oxfordshire and Gloucestershire, with the men in the households carrying out landscaping, block paving and tree work. James Whayman senior and Diane Whayman are aged 72 and 68 respectively. Due to their age and health problems they have ceased travelling for work. The other two households continue to travel for this purpose. On the information before me I am satisfied that the households of

¹² Document O6, figure 57.

¹³ Document O6, figures 34 & 56.

¹⁴ Document O6, appendix C.

the Appellants' son and daughter comprise persons of a nomadic habit of life, who are gypsies for the purposes of planning policy, in accordance with the definition in Annex 1 of PPTS. The definition does not include persons who have ceased to travel permanently for reasons of health or old age, and, consequently, although I agree that the Appellants are persons of a nomadic habit of life, they are no longer gypsies for the purposes of planning policy.

31. None of the three households has an existing lawful base. At the date of the hearing, two households were staying on unauthorised sites, and the third was making use of a transit site. The Appellants had previously tried living in a bungalow, but found this type of accommodation unsuitable and the property was sold. There is no evidence that any of the households have alternative accommodation available to them.
32. The households of the Appellants' son and daughter have a clear need for a settled base in the form of traveller pitches. Although the Appellants themselves are not gypsies for the purposes of planning policy, they also have a need for accommodation. In their case, section 8 of the Housing Act 1985, which includes a duty for local housing authorities to consider the needs of people resorting to their district with respect to the provision of sites on which caravans can be stationed, is relevant. They have lived in caravans, travelling for work, for much of their lives, and have an aversion to living in bricks and mortar housing. They have a need for culturally appropriate accommodation in caravans.
33. Reference was made in the representations to health problems experienced by both of the Appellants. The provision of a settled base would facilitate access to health services, a consideration which is of particular importance to Mrs Whayman, who has regular hospital appointments to attend. Moreover, sharing a site with their son and daughter should enable the Appellants to readily receive care and support from their immediate family, an important consideration in view of their age and health problems.
34. I give significant weight to the personal need for accommodation for the intended occupants of the appeal site, and to the personal circumstances of the Appellants.

Other matters

Flood risk

35. The appeal site lies within flood zone 1, where there is a low probability of river flooding. However Corse Parish Council, Staunton Parish Council, and local residents have all referred to problems of flooding in the area, and photographs submitted on behalf of residents show water on Straight Lane between the site and the settlement and on land to the west of the appeal site (Documents O7 & O9). The map of surface water flood risk produced by the Environment Agency (Document O8) shows that part of Straight Lane and land adjacent to the south-west corner of the site within an area of high surface water flood risk. Insofar as the site itself is concerned, a small part of the south-west edge of the play area is shown as subject to a lower risk. That would not pose a threat to use of, or access to, the three pitches.
36. A number of the photographs show water across Straight Lane: including on the occasion of a flood event in November last year. A local resident explained

that there had been three such events during the past winter, but that the flood water usually goes down within a few hours of rainfall stopping. It is clear that in such conditions, Straight Lane would need to be used with care, but there is no specific evidence to indicate that surface water flooding would prevent movement to or from the site, or pose a threat to the safety of occupants. I have already acknowledged that the presence of standing water in fields to the west would make footpaths to the village unsuitable for use at certain times of the year (above, para 10), but trips to and from the site are not dependant on this route.

37. The LPA's land drainage consultee has recommended that, if planning permission is granted, a condition should be imposed concerning the arrangements for surface water. I agree. It is important that the drainage of surface water from the appeal proposal does not exacerbate the difficulties which can occur in the vicinity. With the safeguard of a condition requiring the approval of a drainage scheme, I am satisfied that the proposal would not be unacceptable insofar as surface water flood risk is concerned.

Highway safety

38. The LPA's report on the previous application records that visibility splays of 120m are required in each direction along the major road at the junction of the site access drive and Straight Lane (the B4213), and that these can be achieved¹⁵. In assessing visibility, the Design Manual for Roads & Bridges (DMRB) gives a minimum set-back on the minor road for simple priority junctions of 2.4m¹⁶. On behalf of local residents, it was suggested that a greater set-back of 4.5m may be appropriate, and I saw on the site visit that this could not be achieved with the existing frontage treatment in place. In the DMRB the length of set-back is related to the nature of the junction. Here the minor road would simply be a private drive serving three pitches, and it is appropriately considered as forming a simple priority junction with the B4213. Although the residents' planning consultant suggested that some vehicles exceed the 40mph speed limit on this part of Straight Lane, no specific information about vehicle speeds has been submitted, and the B4213 is not a busy main road. On the evidence before me, I consider that adequate visibility would be achieved at the junction, and that the proposed development would have a safe and convenient access to the highway network in accordance with Policy CSP.6 of the Core Strategy, and paragraph 108(b) of the NPPF.

Wildlife

39. Great crested newts, which are a protected species, are present in the area. The Appellant's preliminary ecological appraisal identifies that a corner of the site could provide suitable habitat for amphibians¹⁷. A precautionary method of working is recommended, which would include the supervised clearance of scrub during the core breeding season of March to May when the newts are in their aquatic habitat. Reference is also made in the appraisal to a tree on the southern boundary, which has several holes which could be suitable for roosting bats. The tree is not within any of the pitches, and it is recommended that it should not be illuminated. It is common ground between the main parties that a construction ecological management plan is the appropriate way

¹⁵ Document A9, page 9.

¹⁶ Design Manual for Roads & Bridges, CD123, para 3.8.

¹⁷ Document A2, appendix 1,

forward to safeguard biodiversity on the site. Such a condition could make reference to recommendations in the preliminary ecological appraisal, and with this safeguard in place I do not consider that the proposal would adversely affect wildlife. In accordance with Policy CSP.2 of the Core Strategy and Policy AP 7 of the Allocations Plan, a further condition could secure a small-scale biodiversity enhancement scheme on the Appellants' land.

Health and well-being

40. The second reason for refusal contends that the proposal would not create a place that promotes health and well-being, contrary to paragraph 127(f) of the NPPF. However the site is in a pleasant rural location, each of the three pitches would have adequate outdoor space, and in addition the development would include amenity space in the form of the play area. I am satisfied that the proposal would be consistent with the requirement to promote health and well-being in paragraph 127(f) of the NPPF.

Conditions

41. I have already referred to conditions concerning the provision of utility services, a construction ecological management plan, landscaping, drainage and bio-diversity enhancement, all of which would be necessary for the development to proceed. As the site is in the countryside where development is restricted, it would be necessary to limit occupancy to gypsies and travellers, except for the Appellants who do not comply with the planning definition. A personal occupancy condition would be appropriate in acknowledgement of their need for accommodation, and it would also be relevant for the other prospective occupants if their personal need is to carry weight in the planning balance. To safeguard the character and appearance of the area, the number and type of caravans should be specified, and no commercial activities or parking of vehicles over 3.5 tonnes should take place on the land. For the same reason, and to avoid any adverse effect on bats, any external lighting scheme should be submitted for approval.
42. The LPA suggested a condition restricting permitted development rights in respect of fences and gates over 1m in height. However the intended layout of the appeal site, and of the remainder of the Appellants' land as paddocks, is clear from the proposed site plan. Whilst a condition requiring details of boundary treatment would be needed to ensure that the development would be in keeping with its surroundings, a restriction on permitted development rights would be unnecessary.
43. A scheme of protective fencing would be required to safeguard trees and hedgerows during the construction of the development, and a condition specifying the relevant drawings would be important as this provides certainty.
44. Conditions concerning boundary treatment, a construction ecological management plan, tree protection, biodiversity enhancement and drainage should be pre-commencement conditions since the matters with which they are concerned need to be resolved before development works take place. The Appellant has agreed to these conditions, subject to inclusion of reference to the first available planting season in the condition referring to a biodiversity scheme¹⁸.

¹⁸ The Regulation 2(4) notice is at Document O10, and the Appellant's agreement to the imposition of pre-commencement conditions is at Document A12.

Conclusions

45. The specific policy in the Development Plan concerned with gypsy and traveller sites is Policy CSP.6 of the Core Strategy. The LPA had suggested that this policy only applied when the intended occupants are gypsies or travellers. There is no such requirement in Policy CSP.6 or its accompanying text, and such an approach would prevent sites being brought forward in areas of need where the future occupants are not yet known. In any event, on the basis of the information now available, I am satisfied that two of the households are gypsies and travellers for the purposes of planning policy, and that there are personal circumstances which support the Appellants (the third household) sharing a site with their son's and daughter's families (above, para 33).
46. There is an existing unmet need for gypsy and traveller sites, which is a matter the policy refers to in respect of the provision of sites. I have found that the proposal would comply with criteria in the policy relating to its impact on the landscape, access to the highway network, the provision of services, proximity to a settlement with local community services and facilities, and appropriate landscaping. As a small residential site, the development should be compatible with housing along Straight Lane, and there is no reason to suggest that there would be any adverse effect on agricultural activities on the surrounding land. The site plan shows that adequate parking and turning space and a play area would be provided. Each of the pitches would comfortably accommodate a mobile home, a touring caravan and vehicles, and having regard to the landscaping proposed, I am satisfied that the development is capable of providing a satisfactory environment. I find that the proposal would be consistent with Policy CSP.6.
47. Through the opportunity to enhance biodiversity, the proposal would comply with Policy CSP.2. Although there would be only a limited adverse impact on the landscape that is sufficient to give rise to conflict with Policy CSP.1. Policies CSP.4 and CSP.16, referred to in the LPA's representations, are both concerned with the settlement pattern. Whilst Policy CSP.4 expects new development to contribute to reinforcing the existing settlement pattern, it acknowledges that there will be exceptions, and the provisions of Policy CSP.6 provide such an exception in the case of gypsy and traveller sites. There is, therefore, no conflict with Policy CSP.4. As the subject of Policy CSP.16 is development at, rather than outside, villages, it is not of direct relevance to the appeal proposal.
48. The second component of the Development Plan is the Allocations Plan. As the development would not detract from the role of the locally valued landscape in protecting the setting for the former Chartist settlement, nor from the contribution that its setting makes to the significance of the conservation area, it would not conflict with Policies AP 109 and AP 5. There would be compliance with Policy AP 7 in respect of biodiversity, but given the adverse effect, albeit limited, on the character and appearance of the locality, there would be conflict with Policy AP 4, which requires new development to make a positive contribution to the design quality of the area. Policy AP 1 promotes sustainable development: I have found that the development would be in a sustainable location for a gypsy and traveller site, and the provision of a settled base for the three households concerned would be an important social benefit. The LPA

acknowledges that there would be the opportunity for occupants to contribute to the support of local facilities, though limited in number, and provide an economic benefit. Insofar as environmental considerations are concerned, there would be limited harm to the character and appearance of the area, but importantly the provision of a lawful base for the Appellants' extended family would reduce the prospect of unauthorised encampments, an environmental benefit mentioned in PPTS. Overall, I find that the appeal proposal would represent a sustainable form of development, which would be consistent with Policy AP 1.

49. Notwithstanding the conflict with Policies CSP.1 and AP 4, which derives from limited harm to the character and appearance of the area, I conclude that the proposed development would accord with the Development Plan considered as a whole.
50. The proposal would represent a limited degree of encroachment into the countryside, and there would be a limited adverse effect on visual amenity whilst the proposed landscaping became established. I have not identified any other harms. The adverse effects of the development would be clearly outweighed by the benefits of providing additional traveller pitches in a district where there is unmet need, and, in particular, meeting the accommodation needs of the Appellants and the households of their son and daughter.
51. Representations were made to the effect that there would be an interference with the human rights of the prospective site occupants if the appeal were dismissed. As I have decided to allow the appeal, this situation would not arise.
52. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Richard Clegg

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the location plan ref TDA.2331.01 revision A and the proposed site layout ref TDA.2331.03 revision A.
- 3) The occupation of the site hereby permitted shall be carried on only by the following persons:
 - James Whayman senior & Diane Whayman.
 - James Whayman junior & Lorraine Whayman, and their sons, James Whayman and Henry Whayman.
 - Charmaine Biddle & Jethro Biddle, and their son Joseph Biddle.
- 4) With the exception of James Whayman senior & Diane Whayman, the site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of *Planning policy for traveller sites* (August 2015).
- 5) There shall be no more than three pitches on the site, and no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, (of which no more than one shall be a static caravan or mobile home) shall be stationed on each residential pitch at any time.
- 6) No more than one commercial vehicle per pitch shall be stationed on the site for use by the occupiers of the caravans hereby permitted, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 7) No commercial activities shall take place on the land, including the storage of materials.
- 8) The landscaping scheme shown on the proposed site layout ref TDA.2331.03 revision A shall be carried out in accordance with an implementation programme, which shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. Any trees or other plants 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, unless the local planning authority gives written approval to any variation.
- 9) No external lighting shall be installed on the site, other than in accordance with a scheme, including details of the position, height and type of lights, which has been submitted to and approved in writing by the Local Planning Authority.
- 10) The site shall not be occupied until a water supply and an electricity supply have been provided in accordance with schemes which have been submitted to and approved in writing by the Local Planning Authority.
- 11) No development shall take place until a scheme of internal and external boundary treatment has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include arrangements for hedgehog and herpetofauna accessibility. The development shall be

carried out in accordance with the approved scheme of boundary treatment, which shall be retained thereafter.

- 12) No development shall take place until a construction ecological management plan has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include:
- i) A detailed methodology for avoiding construction impacts on amphibians, including great crested newts, prepared in accordance with the recommendations concerning amphibians on page 6 of the Preliminary Ecological Appraisal Survey for the proposed development by Arbtech Consulting Ltd and dated 9 April 2019.
 - ii) Detailed arrangements for the protection and management of tree No T1, as identified in Appendix 1 of the Preliminary Ecological Appraisal Survey.
 - iii) The location and timing of works to avoid harm to biodiversity features.
 - iv) Arrangements for the supervision of development works by an ecological or environmental specialist.
 - v) The role and responsibilities of an ecological clerk of works.
 - vi) Ongoing monitoring, including compliance checks by an ecological or environmental specialist during the construction period, and immediately after the completion of the development.

The approved construction ecological management plan shall be adhered to throughout the construction period.

- 13) No development shall take place until fencing to protect existing trees and hedgerows has been erected in accordance with a scheme which has been submitted to, and approved in writing by, the Local Planning Authority. Within the protected areas no fires shall be lit, no materials or equipment stored, no trenches dug, and ground levels shall not be altered. The protective fencing shall be retained until all equipment, machinery and surplus materials involved in the development have been removed from the site.
- 14) No development shall take place until a small-scale biodiversity enhancement scheme has been submitted to, and approved in writing by, the Local Planning Authority. The approved small-scale biodiversity enhancement scheme shall be fully implemented within six months of the first occupation of the site, or during the first available planting season, and it shall be maintained thereafter.
- 15) No development shall take place until detailed schemes for the foul and surface water drainage of the site have been submitted to, and approved in writing by, the Local Planning Authority. The approved foul and surface water drainage schemes shall be implemented prior to the first occupation of the development, and they shall be retained thereafter.

APPEARANCES

FOR THE APPELLANTS:

Dr A Murdoch BA(Hons) MA BSc PhD MRTPI	Director, Murdoch Planning Ltd.
Mr R Crandon BA(Hons) DipLA	Director, Tirlun Design Associates Ltd.
Mr J Whayman	Joint Appellant.
Mrs D Whayman	Joint Appellant.

FOR THE LOCAL PLANNING AUTHORITY:

Mr S Colegate	Principal Planning Officer and Team Leader, Appeals & Enforcement Team, Forest of Dean District Council.
Mr A Chapman MSc CEnv MCIEEM MIEMA MRTPI	Sustainability Team Leader, Forest of Dean District Council.
Mr N Gibbons	Local Plans Manager, Forest of Dean District Council.

INTERESTED PERSONS:

Councillor B Lewis	Member of the District Council for Hartpur & Redmarley Ward.
Mr J Lewis DipTP MRTPI	Associate Planner, Ridge & Partners, on behalf of a group of local residents.
Mrs T Brinley	Local resident.

THE APPELLANTS' DOCUMENTS

- A1 Dr Murdoch's statement.
- A2 Appendices to Document A1.
- A3 Mr Crandon's statement.
- A4 Appendices to Document A3.
- A5 Mr Formaggia's statement.
- A6 Letter dated 1 May 2019 from Merstow Green Medical Practice concerning Mrs Whayman.
- A7 Appeal decisions concerning a caravan site at Wadhurst, East Sussex.
- A8 The Appellants' costs application.
- A9 The LPA's report on planning application ref P/1637/17/FUL for three gypsy & traveller pitches on the appeal site.
- A10 Set of A1 application plans.
- A11 Appeal decisions concerning a gypsy site at Earnley, West Sussex.
- A12 Email dated 16 March 2020 from Dr Murdoch in response to Document O10.

THE LPA'S DOCUMENTS

- L1 Mr Colegate's statement.

- L2 Appendices to Document L1.
- L3 The LPA's costs application and appendices.
- L4 Timetable for 351 bus service between Gloucester and Tewkesbury.
- L5 Extracts from the Chartist Land Plan, an information leaflet about the Chartist settlements.

OTHER DOCUMENTS

- O1 Plan of Staunton & Corse Conservation Area.
- O2 Statement of common ground.
- O3a-c Allocations Plan inset maps for Staunton and Corse.
- O4 Extract from the Inspector's Report on the Examination of the Allocations Plan. Submitted by Mr Lewis.
- O5 Policies AP 15 & AP 16 of the Allocations Plan. Submitted by Mr Lewis.
- O6 Gloucestershire Gypsy and Traveller Accommodation Assessment, Opinion Research Services, 2017.
- O7 Bundle of photographs showing floodwater on Straight Lane. Submitted by Mr Lewis.
- O8 Map of surface water flood risk in the vicinity of Straight Lane, Environment Agency website. Submitted by Mr Lewis.
- O9 Bundle of photographs showing floodwater on Straight Lane and public footpaths to the west of the appeal site. Submitted by Mr Lewis.
- O10 Regulation 2(4) notice concerning possible pre-commencement conditions.