



Appeal Decision

Site visit made on 8 November 2021

by Richard Schofield BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/E2530/W/19/3242145

Land between High Dike and B6403, Cold Harbour, Grantham NG31 7TX

- 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 Joseph Bryan against the decision of South Kesteven District Council.
 - The application Ref S18/0944, dated 21 May 2018, was refused by notice dated 6 June 2019.
 - The development proposed is "the use of land for the stationing of caravans for residential purposes".
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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, erection of 6 no. day rooms and 1 no. toilet block, formation of new vehicular access and associated landscaping works* on Land between High Dike and B6403, Cold Harbour, Grantham NG31 7TX in accordance with the application Ref S18/0944, dated 21 May 2018, subject to the conditions set out in the Schedule to this decision.

Preliminary Matters

2. The description of development on the application form was that set out in the banner heading above. This was changed by the Council on its Decision Notice to that used at paragraph 1 above. I consider this to be a more accurate description of what is proposed and have determined the appeal accordingly.
3. The appeal was originally proposed to be determined by the Hearing procedure. Following agreement of the main parties on matters of noise and air quality, however, the need for such a procedure was negated. The main parties agreed that written representations were an appropriate means for the appeal to be considered.
4. Subsequent to its decision, and the lodging of the appeal, the Council has adopted a new development plan for the area: The South Kesteven Local Plan 2011-2036 (the Local Plan). I have, therefore, determined the appeal in line with this most up-to-date expression of local planning policy.
5. Mr Bryan's gypsy status, for planning purposes, has not been questioned by the Council. I have no reason to depart from this position.
6. Revised plans were submitted as part of the appeal, raising the height of the acoustic fencing on the northern and south eastern sides of the site from two

metres to three metres, to match that on the western side. I do not consider that they alter fundamentally the nature of what is proposed. In addition, the Council has taken issue with the effect of these changes, such that I will consider them as part of my reasoning.

7. As such, I do not consider that anyone would be prejudiced by me taking the revised plans into consideration.

Main Issues

8. Following the Council's decision not to pursue its reasons for refusal relating to noise and air pollution, but raising simultaneously an objection about the visual impact of some of the proposed acoustic fencing, the main issues are:
 - a) whether the appeal site is a suitable location for the development proposed; and
 - b) the effect of the proposed development on the character and appearance of the area.

Reasons

Context - Pitch Supply

9. The Government's Planning Policy for Traveller Sites (PPTS), which is a significant material consideration, states that local planning authorities should identify, and update annually, a five-year supply of specific deliverable sites.
10. The Council's Statement accepts that it is unable to demonstrate such a supply and that there is an unmet need for pitches in the District. No suitable and available alternative sites for the appellant within the District, or the wider area, are identified.

Whether a suitable location for the use proposed

11. Policy H5 of the Local Plan sets out five criteria that will be taken into account in the determination of applications for gypsy and traveller sites. The only one in dispute between the parties appears to be criterion c). This requires sites to be, "*in reasonable proximity to shops, schools and health facilities*", a factor which will always be a matter of fact and degree, turning on the specifics of any given planning application.
12. The PPTS states¹ that local planning authorities should:

"very strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan".
13. It cannot be disputed that the appeal site, although not isolated (given the presence of the dwellings at Cold Harbour, across the road), is in the open countryside "*away from*" any settlement.
14. The nearest settlement to the site, where services of any note can be found, is Grantham, around 4km away. Even so, the town can be reached swiftly and easily, albeit by driving, from the appeal site.

¹ Paragraph 25

15. Cycling to Grantham from the site would be possible but the likelihood of anyone walking must be slim (given the distance, as well as the lack of a footway on the A52). Similarly, there is not a bus stop especially close to, or safely accessible from, the site if seeking to reach it on foot.
16. In short, future residents of the site would be a reliant on private vehicles in order to gain access to local services and facilities.
17. Significant levels of development, at the Prince William of Gloucester Barrack's and at Spitalgate Heath Garden Village, are due to take place over the next 10 to 15 years. This will result in a wider range of services and facilities in easy striking distance of the appeal site. While this is, clearly, of relevance to the longer term sustainability of the site, as a factor relevant to immediate considerations it attracts little weight.
18. Notwithstanding this, the National Planning Policy Framework², which is also a significant material consideration, acknowledges that:

"opportunities to maximise sustainable transport solutions will vary between urban and rural areas".
19. Despite the likelihood of a high degree of reliance on private vehicles, the length and duration of journeys necessary to access essential services and facilities would not be excessive in the context of the site's size and location.
20. Drawing these considerations together, I conclude that the appeal site is in reasonable proximity to shops, schools and health facilities, having regard to its location when considered in the context of a local shortfall in, and absence of, gypsy and traveller site supply.
21. I further conclude that the appeal site is a suitable location for the use proposed. The proposal would accord, therefore, with policy H5 of the Local Plan, the relevant requirement of which is set out above.
22. Let me be clear, however, that this should not be regarded as setting any precedent for future considerations, which will always turn on, among other considerations, locational specifics and local site supply.

The effect of the proposed development on the character and appearance of the area

23. The Council's specific concern with regard to this issue is limited to the visual impact of the acoustic fencing proposed for the site. Specifically, the sections proposed for the northern and south eastern sides. At present the south eastern side of the site is very sparsely hedged. The northern side has some gaps but the hedging here is more extensive, albeit that it has been kept low.
24. This being so, sections of three-metre high fencing on these boundaries, even if painted green, would certainly be at odds with the character and appearance of the wider area.
25. This is characterised by large fields, bound by native hedgerows and belts of mature trees. Such vegetation is also present along the roadside field boundaries. The hedgerows are of varying heights with some, such as that along the site's western side and further south on the A52, being very tall.

² Paragraph 105

26. That said, the landscaping scheme proposed, with a bund and native hedge planting (as specified on drawing 17_890_003C) in front of the fencing, is entirely appropriate. Indeed, it would complement the hedge and bank that exists already along the site's western side.
27. The hedging would take a while to mature, meaning that there would be a period of time where the fencing would appear rather stark. Once some maturity is achieved, however, the fencing would be largely obscured and the site would sit reasonably comfortably in the wider landscape. I do not consider that it would be especially notable to the occupants of passing vehicles, which (from what I observed on my site visit) would be travelling at speed.
28. I note that a short distance further south on the A52 is located a Driver and Vehicle Standards Agency test site. This site is surrounded by chain link fencing, screened by high hedging. Where the latter is of native species (rather than incongruous evergreens), the result is effective in screening most of the large building behind. There is no reason to consider that the solution proposed for the appeal site, if properly implemented and maintained, could not work as well as this.
29. I conclude, therefore, that, with the landscaping scheme as detailed, the proposed development would not have an adverse impact on the character and appearance of the area.
30. The Council has not cited any development plan policies with which the scheme would conflict in this regard. Even so, I find that it would conform with Local Plan policy DE1, which seeks to ensure high quality design in the District.

Conditions

31. The Council proposed a number of conditions in the event that planning permission was granted. None have been disputed by the appellant.
32. I have amended these as necessary in the interests of consistency, certainty and/or clarity. I have also included additional conditions, notably in relation to lighting and commercial vehicles, which are necessary given the site's rural location and its proximity to existing dwellings.
33. A plans condition is necessary to provide certainty. Occupation should be limited to gypsies and travellers given the specific policy basis for accepting the use in a location, under Policy H5, where residential development is not normally permitted.
34. To ensure the lack of adverse impact of the site either upon character and appearance and/or upon the occupiers of nearby dwellings, conditions restricting the number of pitches/caravans; controlling external lighting, landscaping, caravan and vehicle type, external surface materials, commercial activity and location; and restricting additional structures on the site are necessary.
35. Drainage, sewerage and waste conditions are warranted to ensure that the site is properly serviced.
36. Conditions covering the construction/standard of the static caravans and acoustic fencing are necessary to ensure satisfactory living conditions for future occupiers of the site.

37. Conditions in relation to the transit aspects of the site are necessary to ensure that the relevant pitches remain available for their intended use.

Conclusion

38. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be allowed.

Richard Schofield

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2) Subject to the requirements of any other planning conditions the development hereby permitted shall be carried out in accordance with the following list of approved plans:

Drawing No. 17_890_001 Location Plan

Drawing No. 17_890_003 Rev C (Proposed Site Plan)

Drawing No. 17_890_004 Rev A (Dayroom Plans)

Drawing No. 17_890_005 (Proposed Utility Block)

Drawing No. 17_890_007 Rev A (Section through bund – South Eastern boundary)

Drawing No. 17_890_008 (Section through bund – North Western boundary)
- 3) 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).
- 4) There shall be no more than twelve pitches on the site. Of these six shall be permanent pitches and six shall be transit pitches. On each of the six permanent pitches no more than two caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) shall be stationed at any time of which only one shall be a static caravan. On each of the six transit pitches no more than one caravan, to be a touring caravan only, shall be stationed at any time.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans, or caravans other than in locations shown on the approved plans, shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No caravan or person(s) occupying any of the transit pitches hereby permitted shall remain on any one of those pitches for a continuous period of more than three months. Having vacated a transit pitch that caravan or person(s) shall not return to reside on any of the transit pitches until a minimum period of six weeks has elapsed from the date of last occupation.

- 7) A register of occupancy of the transit pitches, to include details of motor vehicle registration numbers, the type, number and ownership of all caravans, the names of all occupiers and their arrival and departure dates, shall be kept by the site manager and shall be made available at all reasonable times for inspection by officers of the local planning authority.
- 8) The local planning authority shall be notified within 28 days of the stationing of any static caravan on the site. The static caravan shall be made available for inspection on reasonable request by the local planning authority in order for it to be satisfied of compliance with condition 9.
- 9) All static caravans stationed on the site shall be constructed in accordance with British Standard BS3632:2015. No static caravan shall be occupied until it has been fitted with double glazing, air-conditioning and acoustic ventilators in accordance with a specification which has been first submitted to, and approved in writing by, the local planning authority.
- 10) During the construction phase of the development hereby permitted, details of a refuse storage and disposal scheme shall be submitted to the local planning authority for written approval. The details shall include plans showing the location of refuse bins as well as arrangements for recycling and the disposal of the refuse.
- 11) The approved refuse storage and disposal scheme shall be implemented prior to the first occupation of the development hereby approved and retained in place thereafter.
- 12) None of the pitches shall be occupied until the acoustic fencing has been erected in accordance with the details on plan ref 17_890_003 Rev C. The acoustic fencing shall be retained and maintained thereafter.
- 13) None of the pitches shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 14) No development of the day/utility rooms and toilet block above slab level shall take place until details of the materials to be used in construction of the external surfaces have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 15) The landscaping scheme as detailed on approved drawing 17_890_003 Rev C shall be carried out before first occupation of the pitches hereby permitted and shall be maintained thereafter in accordance with the regime shown on the same drawing.
- 16) Within a period of five years from the first occupation of the final pitch of the development hereby permitted, if any trees or plants provided as part of the approved soft landscaping works die or become, in the opinion of the local

planning authority, seriously damaged or defective, they shall be replaced in the first planting season following any such loss with a specimen of the same size and species as was approved unless otherwise agreed by the local planning authority.

- 17) There shall be no external lighting on the site unless permitted expressly in writing by the local planning authority.
- 18) No commercial activities shall take place on the land, including the storage of materials for commercial purposes, and no vehicles above 3.5 tonnes in weight shall be parked on the site.

Schedule Ends