



Appeal Decisions

Hearing Held on 28 July 2021

Site visit made on 29 July 2021

by C Sherratt DipURP MRTPI

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

Decision date: 7 January 2022

Land adjacent Lodge Lane, Little Chalfont

Appeal A - Ref: APP/X0415/C/19/3226415

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Michael Burrows against an enforcement notice issued by Chiltern District Council.
 - The enforcement notice, numbered EN/18/2228/EN/1, was issued on 15/03/2019.
 - The breach of planning control as alleged in the notice is without planning permission:
(1) The material change of use of the Land to use as a caravan site ("the Unauthorised Use").
 - The requirements of the notice are to:
 1. Cease the Unauthorised Use of the Land as a caravan site;
 2. Remove all caravans, mobile homes, any associated bases, skirts or screens and all other domestic paraphernalia, including (but not limited to) septic tanks and lighting associated with the Unauthorised Use from the Land; and,
 3. Remove from the Land all debris and materials arising as a result of compliance with the steps above.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal B - Ref: APP/X0415/C/19/3226620

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Michael Burrows against an enforcement notice issued by Chiltern District Council.
 - The enforcement notice, numbered EN/18/2228/EN/2, was issued on [].
 - The breach of planning control as alleged in the notice is:
Without planning permission (1) The construction of hardstanding in the approximate location shown hatched in black on the Plan; and (2) The construction of a barn in the approximate location shown crosshatched in black on the Plan ("the Unauthorised Development").
 - The requirements of the notice are to:
 1. Take up and remove the said hardstanding from the Land;
 2. Rip the soil from the part of the Land where the hardstanding has been removed pursuant to paragraph 5.1, to alleviate compression of the ground;
 3. Demolish or dismantle the barn; and 5.4 Remove from the Land all debris and materials arising as a result of compliance with the paragraphs above.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal C - Ref: APP/X0415/W/19/3226623

- 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 Michael Burrows against the decision of Chiltern District Council.
 - The application Ref PL/18/4115/FA, dated 07 November 2018, was refused by notice dated 1 March 2019.
 - The development proposed is change of use of land to a mixed use site, with residential and, equine use, for one Gypsy Traveller family. The site to contain one static caravan, one touring caravan, a barn, parking for two cars, associated hardstanding, fencing, septic tank and infrastructure.
-

Decisions

Appeal A - Ref: APP/X0415/C/19/3226415

1. It is directed that the enforcement notice be corrected by the addition of the words 'and grazing' in the description of the alleged breach of planning control and varied by the deletion of 6 months and the substitution of 12 months as the period for compliance. Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B - Ref: APP/X0415/C/19/3226620

2. It is directed that the enforcement notice be varied by the deletion of 6 months and the substitution of 12 months as the period for compliance. Subject to these variations the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal C - Ref: APP/X0415/W/19/3226623

3. The appeal is dismissed.

Reasons

Appeals A & B- ground (a) and Appeal C

4. There is no dispute between the parties that the appellant meets the definition of a gypsy and traveller as set out in Planning Policy for Traveller Sites (PPTS). Accordingly, the PPTS is a material consideration of substantial weight in the determination of these appeals. There is also agreement that the developments to which the appeals relate would constitute inappropriate development in the Green Belt.
5. I therefore consider the main issues are:
 - (a) The effect of the operational development on the openness of the Green Belt and the purposes of including land within it;
 - (b) The effect of the developments on the character and appearance of the Chilterns Area of Outstanding Natural Beauty (AONB);
 - (c) Whether the use of the land is a sustainable form of development particularly in terms of its location;
 - (d) The effect of the development on highway safety; and

- (e) Whether other considerations exist that would clearly outweigh the harm by reason of inappropriateness in the Green Belt and any other harm, such that very special circumstances may exist to justify the grant of planning permission.
6. It was agreed that I could reach a view on the first four issues set out above on the basis of the written evidence submitted. However, a Hearing remained necessary to discuss 'other considerations'. The appeals proceeded on this basis.
 7. The planning application that is the subject of Appeal C was accompanied by two plans, those being a Block Plan (reference: BP01-2018) and Location Plan (reference LP-01-2018). A plan was also submitted showing the floor and elevational details of the barn. What I observed on site was however materially different to the details of the plan. Two additional 'extensions' to provide kennels and runs had been added. If Appeal C were to succeed, planning permission would only be granted for the proposed barn as depicted on the application plans and not that which currently exists.
 8. At the time of my site visit both a static and touring caravan were stationed on part of the land. These are occupied by the appellant, his son and adult daughter. Some loose gravel surfacing surrounded the caravans. The site is fenced to the front and fencing has been erected to sub-divide the residential plot internally to provide two pitches. I understand that only one pitch had been formed when the notice was issued. There were no caravans stationed on the second pitch although I heard that a static caravan had been moved off the site shortly before the Hearing with a view to re-placing it. This had, I was told, been occupied by the appellant's son, daughter-in-law and their 3 children, some of whom are school age. The remainder of the land included in the plan attached to the enforcement notice that is the subject of Appeal A remained as grazing land. The description of the alleged breach requires correction to reflect this. No injustice would be caused as a result of such a correction since the requirements of the notice are simply directed at the residential use.
 9. The existing barn was being used to provide a domestic utility area (primarily a laundry room and also housing a tall fridge freezer), general storage, and a stable / kennels and run.
 10. The only relevant planning policy relating to the provision on gypsy and traveller sites is found within the Core Strategy (CS). CS Policy CS14 confirms that sites will be allocated in a Delivery Development Plan Document (DPD). Site suitability will be assessed against relevant policies in the CS and other relevant guidance and policy. If it is found that no suitable or deliverable sites can be allocated within settlement areas excluded from the Green Belt to meet the identified need for new sites, the Council will allocate sites for additional pitches within the Green Belt. In very special circumstances, consideration may be given to granting permanent planning permission on Green Belt sites which already have an extant temporary permission. No DPD was forthcoming. It offers no criteria against which windfall sites such as this that come forward outside of any LP allocations should be considered. This type of detail would, the Council explained, have also usually followed in a more detailed DPD.

Openness of Green Belt

11. The material change of use of land alleged is a form of development that should not, in accordance with the Framework, be regarded as inappropriate development in the Green Belt provided that it would preserve its openness and would not conflict with the purposes of including land within it. The use of land as a caravan site would diminish openness and result in encroachment into the countryside, contrary to one of the purposes of including land in the Green Belt. The PPTS further confirms that the use of land as a gypsy and traveller site is inappropriate development.
12. The Framework also confirms that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The barn was not erected for a purpose to which any exceptions to inappropriateness are made. Accordingly, it is also inappropriate development. The introduction of an area of hardstanding, surfacing materials, the erection of close-boarded fencing and presence of other domestic paraphernalia all reduce openness. The developments are therefore contrary to Policy GB2 of the Adopted Chiltern District Local Plan 1997 (adopted 1 September 1997) (including alterations adopted 29 May 2001 (consolidated September 2007 & November 2011) (LP).
13. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless other considerations exist that would clearly outweigh the harm by reason of inappropriateness in the Green Belt and any other harm. The harm by reason of inappropriateness must be afforded substantial weight. The harm to openness as a result of the erection of the barn and associated operational development, is in my view modest.

Character and Appearance

14. The site is situated within the Chilterns AONB where the primary objective is to conserve and enhance the natural beauty of the landscape as set out in Saved LP Policy LSQ1. CS Policy CS22 requires all proposals to conserve and or enhance the AONB and also protect the setting of and views onto and out of the AONB. CS Policy CS20 requires that new development within the District is of a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness.
15. Whilst PPTS does not direct that gypsy and traveller sites should not be in an AONB, the Framework confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in an AONB, which have the highest status of protection in relation to these issues. A large proportion of the former Chiltern area falls within the AONB.
16. I heard and observed that there are other pitches to either side of the appeal site, also accessed from the same track. However, these are not, I was informed, authorised. Accordingly, I give their presence little weight in my consideration of the character of the surrounding area.
17. The prevailing character of the surrounding area is rural, with open fields and some sporadic farms and agricultural / equestrian buildings. The development has an urbanising impact such that the residential character of the site jars with the surrounding open agricultural land. I acknowledge that the area of the site currently in residential use is relatively well screened from public view

by mature tall trees along the boundary. However, the sub-division of what would have been a larger field to create the caravan site and its containment with planting is in itself incongruous in the surrounding generally open landscape. Landscaping and boundary treatments comprising more appropriate hedge species and fencing type throughout, such as the post and rail rather than the close-boarded fencing would be preferable and maintain some screening of the caravans and associated residential paraphernalia. Similarly, conditions controlling layout, the number of pitches and caravans could also be secured. This would ensure the harm would be reduced. However, the continued use of land as a caravan site and associated building would nevertheless still remain an incongruous form of development that would fail to conserve or enhance the landscape and scenic beauty of the AONB, contrary to national and local policies.

Sustainable development

18. Three overarching objectives are set out in the Framework to achieve sustainable development, those being economic, social and environmental objectives. Paragraph 13 of the PPTS clarifies, albeit for plan making, that local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. It sets out a number of criteria that local policies should achieve. CS Policy CS4 sets out a number of sustainable development principles that all new developments are expected to have regard to.
19. The Council's particular concern is that the developments do not contribute to protecting and enhancing the natural environment due to the impact on the AONB and location of the site in relation to services and facilities. I have already found that the development fails to conserve the AONB and as such fails to protect the natural environment. Having in mind the PPTS criteria referred to above, a settled base would ensure access to appropriate health services and education and reduce the need for long-distance travelling and possible environmental damage caused by unauthorised development. These are sustainable benefits.
20. Paragraph 25 of the PPTS states 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". Lodge Lane joins Burtons Lane / Roughwood Lane to the south of the site, which provides a link to settlements the nearest being Little Chalfont. However, I observed that in the vicinity of the site, there is no street lighting, and no footways present on either side of Lodge Lane. There are currently no carriageway markings present. The location of the appeal site would not provide a safe, convenient and attractive access on foot and by cycle, making suitable connections with existing footways, public footpaths, bridleways, restricted byways and cycle ways, local facilities and public transport so as to maximise opportunities to use these modes. Rather occupiers of the site are likely to be largely dependent on use of the private car. This would be contrary to one of the requirements of Policy CS26.
21. I am mindful however that travelling is part of the nomadic way of life and so vehicle trips associated with travelling will occur in any event and in the context of gypsy and traveller sites, which are less likely to be found within

settlements, the site is located within a reasonable distance of surrounding settlements such as Little Chalfont and Amersham.

22. To conclude, considering sustainability in the round, I find that the development whilst having some sustainable benefits arising from a settled base would nevertheless in terms of its location be an unsustainable form of development overall by reason of the environmental impacts of the use of land. I find conflict with both local and national policy.

Highway Safety

23. The Council's position, supported by the highway authority, is that the intensification in use of the existing access which is of substandard width and visibility would prejudice highway safety. LP Policy TR2 requires that development should accord with a number of principles in respect of highway aspects if planning permission is to be granted. These include that a satisfactory access onto the existing highway network can be provided and that standards of road safety for all users should, at minimum, be maintained and where appropriate, improved.
24. The lawful use of the site comprises an agricultural use, previously used as grazing land and therefore has very little traffic generation potential. I therefore agree that the residential use is likely to result in an increase in traffic using the entrance onto and off Lodge Lane. The appeal site is located to the east of Lodge Lane, a 'C' class road, which in the location of the appeal site access is subject to the National Speed Limit of 60mph. On Lodge Lane there is a speed limit transition point approximately 200m to the north of the site where the speed limit changes from 60mph to 30mph as you enter the residential area to the north. Measurements taken on site also show that the width of Lodge Lane in the vicinity of the site access junction with Lodge Lane is in the region of 5.2m.
25. Paragraph 109 of the Framework states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- CS Policy CS26 sets out the requirements that proposals for new development will be expected to meet including that sites are appropriately located to the road network and provide satisfactory vehicular access(es). LP Policy TR2 also requires that proposed development should accord with a number of principles with regard to the highway aspects of developments if planning permission is to be granted. These include a satisfactory access onto the existing highway network.
26. I have also been directed to the current guidance outlined in Manual for Streets (MfS) 1 and 2. In accordance with Table 7.1 of MfS, at locations that are subject to 60mph, visibility splays measuring 2.4m along the centre-line of the access for a distance of 151m to the nearside kerb line of the carriageway on both sides of the access would be required. The 'X' distance of 2.4m is recommended in most situations, as this represents a reasonable maximum distance between the front of the car and the driver's eye.
27. Visibility is measured both horizontally and vertically. MfS states that drivers need to be able to see obstructions 2 metres high down to a point 0.6 metres

- above the carriageway. On this basis, unobstructed visibility splays must be available above a height of 0.6 metres above the level of the carriageway. Visibility splays are required to be achieved within the highway or land within the control of the appellant, to ensure that adequate visibility can be provided and maintained for the safety of users of the access and highway users in general. Whilst the appellant invited me to consider visibility when viewed from a higher vehicle such as that I saw driven by the appellant, the access should provide a suitable access for all potential visitors and future occupiers of the site. In addition, it would not be reasonable to impose a condition insisting any occupier or visitor to the site can only use a certain type of vehicle.
28. The evidence demonstrates that there is only a narrow strip adjacent to the eastern side of the carriageway that forms the adopted public highway, the remainder of the land being in private ownership. The highway authority estimate that the highway strip measured in the region of 0.5m in width. Land to both the north and south of the access is therefore in third party ownership and outside the ownership or control of the appellant. It is not therefore possible to impose any planning conditions to secure visibility splays across this land.
 29. It is also evident that there is a highway verge of only 0.5m in width that the visibility splays from the access can pass over. Since the Highway Authority commented on the planning application, the vegetation on the land to the north of the access had been cleared and there was a fence erected on the land to the south of the access. The fence now clearly defines the boundary of the highway with the adjacent private land.
 30. Measurements recorded on site prior to the Hearing confirmed that the splay achieved to the south is in the region of 2.4m x 10m, which is considerably below the required distance of 2.4m x 151m when taking into account the 60mph speed limit of Lodge Lane. In such circumstances, where only a distance of 10m is available, then in order to stop, vehicles would need to be travelling less than 10mph¹. However, it was clearly evident from my own visit to the area that vehicles travel well in excess of 10mph along Lodge Lane and therefore it is considered that the visibility splay achievable to the south of the access is inadequate and additional vehicles using the access would clearly increase the chances of conflict to the detriment of highway safety and convenience.
 31. Notwithstanding that vegetation that was previously to the north of the access has now been removed, this land is still in the ownership of a third party and not the appellant. There is only a limited area of highway land on which to guarantee the future retention of a visibility splay, and if this is taken into account then it was determined on site by the Highway Authority, that the visibility splay would also measure in the region of 2.4m x 10m. This again is significantly below the visibility splay requirements set out in MfS and is again commensurate with vehicle speed of less than 10mph.
 32. Even if the splay to the north of the access was taken over the third party land it would, in accordance with on-site measurements taken by the highway authority, achieve a distance in the region of 2.4m x 52m. This also falls significantly below the requirements set out in MfS.

¹ Table 7 on page 91 of MfS

33. I accept that a residential use of the site, whether for one or two pitches is likely to generate an increase in vehicular movements through an access that does not benefit from adequate visibility. The measurements offered by the highway authority are not challenged by the appellant. Such sub-standard visibility will have the potential to increase the chance of conflict between users of the site and highway users such that there would be an unacceptable impact on highway safety. The proposed development is therefore contrary to local and national policy that aims to protect highway safety.
34. The highway evidence is largely undisputed and compelling. No mechanism has been advanced to secure adequate visibility given the land required to do so is outside the ownership or control of the appellant. No measures that can therefore be required to improve it. The use of land would therefore be contrary to CS Policy CS26 and LP Policy TR2 .

Other Considerations

Need for sites

35. The Aylesbury, Chiltern, South Bucks and Wycombe Gypsy, Travellers and Travelling Showpeople Accommodation Needs Assessment (GTANA) was published in 2017. This Assessment was carried out for the then Buckinghamshire District Councils to provide an assessment of need for gypsy and traveller accommodation. It sought to assess the existing and future need for accommodation of both those gypsies and travellers meeting the definition contained in the PPTS and those who do not. The target is to facilitate the provision of 85 new pitches for gypsies and travellers in the area assessed to 2036.
36. Since the GTANA was carried out, the Council records that nine pitches have been granted planning permission in the Chiltern and South Bucks area. Five of these pitches were at Three Oaks Farm, Roberts Lane, Chalfont St Peter. The other four were in South Bucks (in Iver and Wexham). This would reduce the figure contained in the GTANA from 85 to 76 (over the period to 2036).
37. The Council's Topic Paper refers to 8 existing traveller sites where (subject to very special circumstances being demonstrated) new pitches could help meet the needs for new accommodation for the travelling community. There are three existing traveller sites in Chalfont St Peter and the Topic Paper states that they could, as long as very special circumstances can be demonstrated and other requirements met, accommodate small scale development to help meet these future accommodation needs. Appendix 3 of the Topic Paper shows how the existing traveller sites in the Local Plan area have been tested.
38. The appellant was critical of the GTANA particularly in respect of how information about those occupying pitches as their settled base was gathered. Whilst the robustness of the GTANA was not tested in Chiltern as the LP was withdrawn prior to reaching examination, I heard that the Inspector examining the Aylesbury Local Plan had not raised any concerns at the time of the Hearing in so far as it relates to that authority area. Nevertheless, that plan was still to be found sound and I am not aware of how the provision of gypsy and traveller sites have been addressed. Whilst it is not the role of individual appeals to consider the overall robustness of an accommodation needs assessment, I explored what the parties understood to be the current circumstances on some of the sites identified in the GTANA for the Chiltern area.

39. It was apparent that the rather dated assessment of need for the Chiltern area is, when considered against the position now, likely to be an underestimation of existing need. The Council conceded as much at the Hearing. I would go as far as to suggest, from what I heard, that the underestimation of need is significantly more than was assessed in 2016. For example, the GTANA indicates 8 pitches existed at Green Park whereas now there was broad agreement between the main parties that there are more like some 30 pitches on that site, many of which that will be unauthorised. The appellant referred to other sites he was aware of that had also not been included as well as the appeal site.
40. The appellant was also critical of the lack of any assumption of in-migration to the Buckinghamshire area. However, it is often the case that a GTANA will assume in and out-migration from an area will be broadly similar such that 'zero' is considered appropriate. The appellant was unable to give me any detailed breakdown that might suggest that such an approach was not appropriate here.
41. Whilst I am unable to ascertain whether the occupiers of pitches not identified in the GTANA are gypsies and travellers meeting the PPTS definition, it is reasonable to assume a proportion of them will. Furthermore, and in any event, there can be no certainty that future needs arising from new household formation from households currently not meeting the PPTS definition would also be for gypsies and travellers not meeting that definition. Bearing in mind it is often age and health that prevents travelling, future generations may well still adopt a nomadic way of life. In any event, the needs of all gypsy and travellers will need to be met.
42. Critically, for the purposes of this appeal, there would appear to be a pressing and immediate need for additional pitches which the Council had not appreciated. Furthermore, since the GTANA base date I heard that the Council had sold its public sites. Depending on how these sites are managed going forward, this may reduce the availability of pitches coming forward.
43. I give the immediate and future need for additional pitches to accommodate gypsies and travellers significant weight.

Failure of Policy

44. The appellant suggests there has been a persistent failure of policy as the Council has failed to address the needs of the gypsy and traveller community. The Council has clearly taken measures to carry out an assessment of need for gypsies and travellers, commissioning the GTANA that was subsequently published in 2017.
45. I note that the only policy of direct relevance to the provision of sites is the now dated CS Policy CS14. This policy is strategic in nature. It refers in the explanatory text to a prior assessment of need. It requires sites to be allocated and sets out how the suitability of sites should be assessed including consideration of sites that have temporary permissions. It does not direct how the suitability of windfall sites such as this site should be assessed. No Development Management type policies have been brought forward to address this.

46. The decision of the Council not to pursue the Chiltern LP means the provision of sites for gypsies and travellers and suitable criteria for determining applications remains absent. The Council within its Statement of Case explains that any need will be addressed through the grant of planning permission for sites where very special circumstances can be demonstrated. This is a reflection of the majority of the Council area being situated in the Green Belt. However, whilst need may be a reason advanced to justify the allocation of sites in the Green Belt through the LP process, the government is nevertheless clear that need and personal circumstances will not normally amount to the very special circumstances required to justify the grant of planning permission for gypsy and traveller sites in the Green Belt. I do not therefore share the Council's optimism that even the lower level of overall need identified in the GTANA could be addressed in this way. The Council's approach would not, I consider, reflect one of the Government's aims set out in PPTS that is for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies.
47. Furthermore, the appellant directed me to various applications for gypsy and traveller sites that remain undetermined and have done so for many years. Whether any of these applications is likely to result in the grant of planning permission is therefore unclear but the lack of urgency by the Council appears to contradict a desire to address need through the planning application route.
48. Notwithstanding the assessments of need that have been carried out, I consider there is evidence of a persistent failure of policy to then address the needs of gypsies and travellers on the ground in the former Chiltern Council area. Given the proportion of the former Chiltern area that is covered by Green Belt and AONB designations there is some likelihood that allocations would have been required within those locations such as the sites with temporary permissions. However, that is not to say that this trend of a historic failure to address need will carry on with Buckinghamshire Council. As part of the process of preparing the Buckinghamshire wide LP, I have been informed that since the close of the Hearing, a call for gypsy and traveller sites is now underway.
49. I nevertheless give this historic failure to address the needs of the gypsy and traveller community to date great weight.

The personal circumstances of the appellant

50. A Health Statement relating to both the appellant's late wife and his adult daughter accompanied the appeal documentation. Prior to the Hearing, the appellant had sadly lost his wife. The family want to remain close to her resting place. His daughter continues to need specific and regular medical care. The appellant was I was told not in the best of health. No particular health considerations were advanced in relation to the appellant's son. A settled base ensures that access to both general care for the family and the on-going medical care required by his daughter can be accessed. It also enables the appellant's teenage son to attend school.
51. No alternative sites have been advanced that could offer the family a settled base. The appellant did not know what he would do or where he could go if the appeal fails, and he is required to leave the site. The situation is unlikely to change until such time as the Buckinghamshire LP is adopted. A road-side

existence seems likely with all the environmental consequences that brings. I therefore give the personal needs of the appellant significant weight.

52. I was given very little information about the circumstances relating to the appellant's son, daughter-in-law and their three children who had been occupying the second pitch to be near the appellant after the loss of his wife and their mother. Whilst the best interests of the children are a primary consideration, based on the limited information available, it is not clear what options are available to these family members should the appeal fail. I therefore give their particular personal circumstances very limited weight.

Balancing Exercise

53. In relation to Appeal A, the harm by reason of inappropriateness in the Green Belt must be afforded substantial weight. Added to this is the harm caused to the AONB which carries considerable weight and the lack of adequate visibility which is of detriment to the safety of both the occupiers of the site and other highway users, again a consideration which in my view is of considerable concern and carries substantial weight against the development. Considering sustainability in the round, whilst the provision of a site would avoid environmental damage caused by unauthorised encampments etc, given the harm to the AONB this does not weigh in favour of the development.
54. A number of considerations weigh in favour of the grant of planning permission. The development would contribute towards the immediate need for pitches to accommodate gypsies and travellers, a matter I afford significant weight. Added to this is the personal need of the appellant for a settled base and the lack of alternative options available which also carries significant weight. Furthermore, the failure of policy I have referred to is a consideration of great weight in favour of the development. However, these considerations in favour of the development do not clearly outweigh the harm I have identified. Very special circumstances do not therefore exist to justify the grant of permission in the Green Belt. The use of land (Appeal A) would be contrary to the development plan and no other considerations exist that would otherwise justify the grant of planning permission.
55. Added to the harm in relation to the erection of the barn (Appeal B) is the modest harm caused to openness as a result of the built development. The other considerations referred to above would not clearly outweigh the harm I have identified such that no very special circumstances can exist. The development would be contrary to the development plan as a whole. It follows that the development to which Appeal C relates would also be contrary to the development plan and unacceptable.
56. I recognise that the refusal to grant planning permission would result in the loss of the appellant's home. However, given the harm that would be caused, this is a proportionate response.
57. I have considered whether the grant of a temporary permission may be justified. The Council cannot demonstrate a 5 year supply of pitches. However, as the site is in an AONB, this is not a site where, in accordance with paragraph 27 of PPTS, this should be a significant material consideration in this planning decision when considering the grant of temporary planning permission.

58. Whilst the visual harm to the character and appearance of the AONB and openness of the Green Belt would be temporary, the unacceptable impact on highway safety would persist even if I were to grant planning permission for only a temporary period. A temporary planning permission is not therefore justified.

59. Appeals A and B, made on ground (a) fail. Appeal C is also dismissed.

Appeals A & B, ground (f)

60. As explained at the Hearing most of the points argued for the appellant go to the planning merits of the proposals and thus, I have considered them under ground (a). It is clear that the purpose of both notices is to remedy the breach of planning control. This can only be achieved by ceasing the use and restoring the land and removing the unauthorised building. No lesser steps that would also achieve that purpose have been advanced. The appeals on ground (f) fail.

Appeal A & B, ground (g)

61. I recognise that compliance with the notice will result in the loss of the appellant's home that currently provides a settled base. Given the personal circumstances of the appellant and his children and the lack of alternatives, I consider 6 months is too short a period to comply with the notice, I therefore intend to extend the period for compliance to 12 months. This would be a proportionate approach. As the barn provides a utility room associated with the residential use, I intend to similarly extend the period for compliance to ensure suitable facilities are available throughout the extended compliance period. The appeals of ground (g) succeed.

Overall Conclusions

62. For the reasons given above I conclude that Appeal A and Appeal B do not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the deemed application.

63. For the reasons given above I conclude that Appeal C should be dismissed.

C Sherratt

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Joseph Jones	Representing the appellant
Mr Michael Burrows	Joined the Hearing via telephone briefly and was present at the site visit

FOR THE LOCAL PLANNING AUTHORITY:

Mr Andrew Pegley	For Buckinghamshire Council
Mr Jarman	Senior Research Executive for Opinion Research Services (ORS)