



Appeal Decision

Hearing held and site visit made on 15 February 2022

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 04 April 2022

Appeal Ref: APP/K0235/W/19/3243608

Three Acres, Tithe Road, Kempston, Bedford MK43 8TH

- 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 and Mrs F Holmes against the decision of Bedford Borough Council.
 - The application Ref 19/01500/FUL, dated 10 July 2019, was refused by notice dated 17 December 2019.
 - The development proposed is material change of use of land for stationing of caravans (1 mobile home and 1 touring caravan) for 1 Gypsy family for residential occupation on existing stable yard with facilitating development (extension of hard standing and septic tank).
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Decision

1. The appeal is allowed and planning permission is granted for the material change of use of land for stationing of caravans (1 mobile home and 1 touring caravan) for 1 Gypsy family for residential occupation on existing stable yard with facilitating development (extension of hard standing and septic tank) at Three Acres, Tithe Road, Bedford MK43 8TH in accordance with the terms of the application, Ref 19/01500/FUL, dated 10 July 2019, subject to the conditions set out in the Schedule attached to this decision.

Preliminary Matters

2. The description is taken from the appeal form as this makes it clear the proposal is to accommodate a single Gypsy family.
3. On 15 January 2020 the Bedford Borough Local Plan 2030 (LP) was adopted. This supersedes the Bedford Borough Core Strategy and Rural Issues Plan 2008 entirely and, apart from a small number of allocated sites, all the policies of the Bedford Borough Local Plan 2002. Whilst not referenced in the decision, saved policies AD1 (Sustainable development) and AD24 (Green Infrastructure) of the Bedford Borough Allocations and Designations Local Plan 2013 are relevant.
4. The Council published its most recent Gypsy and Traveller Accommodation Assessment¹ (GTAA) in November 2021. This provides the Council's most up-to-date assessment of the current and future need for Gypsy and Traveller accommodation in the Borough, to which I have given consideration. The National Planning Policy Framework² (the Framework) and the Planning policy for Traveller sites³ (PPTS) are also material considerations of significant weight.

¹ Bedford Borough Council Gypsy and Traveller Accommodation Assessment (GTAA) Opinion Research Services Final Report v3 November 2021.

² Ministry of Housing, Communities and Local Government August 2021.

³ Department for Communities and Local Government August 2015

Main Issues

5. Whether the proposal would be acceptable having regard to the:

- existing level of, and local provision and need for Gypsy and Traveller sites;
- accessibility to schools, health care, employment and other facilities;
- character and appearance of the area.

Background

6. The appeal is within the open countryside that lies a few miles beyond the urban edge of Kempston. The Traveller pitch would occupy a hardstanding next to stables served by a drive running between paddocks. The end section of the stables would convert to washing facilities, rather than a separate day room being proposed. There is only sporadic development in the surrounding area and none directly adjacent the site.
7. The land occupies part of a shallow valley side and is set within a gently undulating landscape. The appellants are English Travellers and a couple with four young children. They currently live at a pitch on a publicly run site adjacent the A1(M) at Dyes Lane, Stevenage. This proposal would provide a private plot with more space for the young family with land to keep their horses.
8. In summary, the personal needs put to me are that this family have outgrown their pitch on a municipal site in Stevenage, which they find too small to provide space for a mobile home and adequate amenity space. The appellants wish to be able to travel away for work without a maximum restriction (currently 12 weeks on their present plot), have a better quality of life on this self-provided pitch and avoid what they perceive to be the cost, stigma and negative issues associated with socially provided sites.

Reasons

Existing level and local provision and need for Gypsy and Traveller sites

9. The PPTS sets out Government planning policy for Traveller sites, for those meeting its Annex 1 definition. This covers those Gypsies and Travellers of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily.
10. The PPTS explains that Government's overarching aim is to ensure fair and equal treatment for Travellers, in a way that facilitates their traditional and nomadic way of life, while respecting the interests of the settled community. To help achieve this, paragraph 4a states that local planning authorities should make their own assessment of need for the purposes of planning for Annex 1 Traveller sites.
11. The 2021 GTAA identifies a need in this Borough for three additional pitches for Travellers meeting the Annex 1 definition: two in the period 2025-30 and one in 2035-40. This has not yet been the subject of a Local Plan Examination, but the previous 2017 GTAA had been and used the same methodology, found to be sound by the Inspectors. This is the same GTAA methodology that has been

supported at other local plan examinations and by Inspectors in many Gypsy and Traveller appeals elsewhere.

12. Policy 61 of the LP establishes the requirement for at least the two Gypsy and Traveller pitches identified as needed in the GTAA. Policy 62 then provides for these by allocating two additional pitches at the existing Kempston Hardwick Traveller site. These two pitches evidently now have planning permission. In addition to Kempston Hardwick, the Council also developed the 14 pitch Willow Drift site at Cardington in 2015. On the basis of the above, the Council is satisfied local provision and need for Gypsy and Traveller sites identified in the PPTS and required through the LP has been met.
13. Amongst other matters relevant in determining Traveller site proposals, PPTS Policy H refers to five issues. The first is the existing level of local provision and need for sites, which the Council shows to have been addressed. The second is the availability (or lack) of alternative accommodation; not relevant in this case as the appellants already have a Traveller pitch in Stevenage. However, the third is the issue of relevant personal circumstances, which for the appellants I have summarised above. The fourth issue is locally specific policy criteria for assessing unallocated proposals, relevant where there might be no identified need for providing further pitches/plots. These criteria are those in LP Policy 63, relating to unallocated land in the countryside. The Council agreed this to be a most important policy for assessing a windfall Traveller site proposal such as this. Fifthly, the PPTS confirms proposals from any Travellers to be relevant, and not just those with local connections.
14. In paragraph 10.37, the LP refers to the GTAA identifying a potential need arising from unknown households, where any Gypsy and Traveller proposals should be considered according to Policy 63. Regarding need, the first criterion of Policy 63 is to adequately demonstrate a clear case for a proposal which cannot be met in the Borough by a lawful existing or available allocated site. The Council argue that having provided enough Traveller pitches to meet the need identified in the GTAA, this proposal fails on this criterion. However, the wording of this is for the decision-maker to be satisfied that the appellants have adequately demonstrated a clear need for the single pitch proposed, which cannot be met by this existing provision.
15. The evidence I heard at the hearing was that the allocated sites in the Borough were not available to the appellants and, even if they were, would present problems similar to those at their present Stevenage pitch, upon which their need for this alternative site was predicated. Mrs Holmes provided a verbal account at the hearing of the various problems with their present pitch in Stevenage. In my view, the appellants' personal circumstances demonstrate a clear need for this single Gypsy family pitch which cannot be met in the Borough by a lawful existing or available allocated site. This satisfies the first criterion in LP Policy 63.

Accessibility to schools, health care, employment and other facilities

16. Adequate schools, shops and other community facilities are available a few miles away in Kempston; within reasonable travelling distance by short journeys in a car. There is the preference set out in the second of the criteria in Policy 63 for these services being reached safely by foot, cycle or public transport. Certainly, the distance without footpaths and street lighting would rule out safe and convenient access to these by walking from the appeal site.

However, the site is on a bus route, albeit not a very frequent one, and cycling to reach services is feasible. The site is not in remote countryside but relatively close to the built-up side of the Bedford urban area, where there is a good range of services and facilities.

17. It is implicit in PPTS paragraph 14 that Traveller sites may be in rural or semi-rural settings as, when assessing their suitability, it should be ensured that their scale does not dominate the nearest settled community. Paragraph 25 very strictly limits new Traveller site development in open countryside away from existing settlements or outside areas allocated in the development plan. However, this is a matter of interpretation and in this case the location is away from these but not by a great distance. The sustainability criteria set out in PPTS paragraph 13 do not include distance from or means of transport to shops and services but refer to considerations unique to Traveller site proposals.
18. It is implicit also in the LP that Traveller site proposals will mainly be in the countryside. Paragraph 10.40 refers to many Gypsies and Travellers expressing a preference for a rural location. Policy 63 provides criteria for assessing Traveller sites on unallocated land in the countryside, which again acknowledges that this is where demand can arise and where, I consider, a full range of services on the doorstep would not be expected. The Framework requires I recognise the fact that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and to take this into account.
19. On this issue, the proposal's rural location is close to the edge of the large town of Bedford, consistent with traditional lifestyles and means of employment for Travellers. In this context, this would provide reasonable accessibility to schools, health care, employment and other facilities and the proposal would thus satisfy the second of the criteria in LP Policy 63.

Character and appearance of the area

20. The LP recognises the intrinsic character and beauty of the countryside in accordance with Framework paragraph 174 b). In this regard, there would inevitably be some adverse impact from the proposed caravans and the associated domestic paraphernalia and lighting. However, the proposal relates to a small site and would have no material impact upon the delivery of strategic green infrastructure within the Borough or the 30% woodland cover sought within the wider Forest of Marston Vale.
21. The area is not the subject of any special landscape protection. However, by adding to the existing sporadic development in flat and open countryside offering quite long views, this proposal would cause a degree of harm. I assessed the proposal's impacts from travelling around the general area and looked specifically from higher up the valley side to the north-west, where there was a panoramic view looking towards the valley floor from the footpath off Spring Lane. In my view, this scheme would amount to a quite minor addition to the existing sporadic development within this flat, open rural landscape. The impact on its character would be relatively slight and could be further reduced by boundary tree planting of appropriate species.
22. In this particular location, there would appear to be no cumulative impact in combination with any other existing or planned Traveller sites. For the foregoing reasons, this proposal would not have an unacceptable adverse

impact on countryside and landscape character. It would therefore comply with LP Policy 63 vii and be acceptable in regard to the character and appearance of this area.

Other Matters

23. Further matters were raised by interested parties at the application stage and to this appeal. Concerns over adequate drainage are capable of being satisfactorily addressed and provide no grounds for dismissing the appeal. I have reached the same conclusion over the health and safety implications of living close to high voltage overhead power lines. The proposal is for a Gypsy and Traveller pitch for one family, and the Council would retain control over any further such accommodation sought here or in the surrounding area.

Conditions and conclusion

24. The planning conditions suggested by the Council were discussed at the Hearing and I have taken on board the comments made by both parties. The advice in Framework paragraph 56 is that conditions be kept to a minimum and only imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
25. Conditioning the standard three year period for commencement is necessary, along with the site plan to which the change of use applies. A pre-commencement condition is necessary to ensure the use does not occur until the Council has agreed details of on-site turning provision, access drainage and landscaping and for these measures to then be implemented. However, enough space for a fire engine to turn seems to me excessive, given the relatively short distance from the public highway. A condition requiring a net gain in green infrastructure and 30% tree cover seems to be disproportionate to such a small-scale Traveller site proposal.
26. In the interests of preserving the rural character of this locality, it is necessary that a condition controls external lighting. For the same reason, a condition prevents close boarded fencing in or around the site. In the interests of highway safety, a condition is required for access gates to be inward opening and at least 10m from the highway edge, and for the first 5m of the drive to be sealed to prevent loose material spreading onto the public carriageway. A condition is necessary for storage and collection points of waste and recycling bins to be approved and provided.
27. The proposal is for a single Gypsy and Traveller pitch and so, for certainty, a condition is necessary to ensure this provides for just two caravans, one only being static. The permission is justified by the appellants' specific needs and so a condition making this personal to them and their dependants is required. However, I have not found it necessary for this to also make the permission for a temporary period, as the need is evidently for a permanent Traveller base. I have no doubt that the appellants meet the PPTS Annex 1 definition of being Gypsies and Travellers but, as the consent would be personal, a further condition tying occupation to such status is not required.
28. I am satisfied that the appellants have demonstrated a clear need for this proposal and that adequate services are accessible nearby to provide for the family's needs. Gypsy caravans are of a standard design and so are not amenable to specific amendments which might ameliorate the effects of their

appearance. They are accustomed features in rural areas and, in this context, the proposal is not found to have an unacceptably adverse impact on the countryside and landscape character. Therefore, the proposal would be supported under LP Policy 63 in respect of proposals for Travellers sites on unallocated land in the countryside. On this basis I am also satisfied there would be no conflict with the LP when considered as a whole. Subject to the conditions identified, and having taken into account all other matters raised, I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR

DOCUMENTS

Route and timetable for No. 68 bus serving the appeal site.

Letter of 20 January 2022 from Family Liaison Officer, Woolenwick Junior School, Stevenage.

Letter of 21 January 2022 from Hertfordshire County Council Gypsy Section, regarding parked cars and blocked turning bay at Dyes Lane Caravan Site, Stevenage.

Last on the list: An overview of unmet need for pitches on Traveller sites in England – Sarah Sweeney and Billie Dolling, Friends Families and Travellers - January 2021.

Email from Charlene Holmes to Alison Heine of 8 February 2022 giving details of results of speaking to people living on the Kempston Hardwick and Cardington sites over travelling habits.

PHOTOGRAPHS

Aerial photograph of Dyes Lane Caravan Site, Stevenage and adjacent A1(M).

Dyes Lane Caravan Site – various points of view.

APPEARANCES

FOR THE APPELLANTS:

Mrs Alison Heine	Heine Planning Consultancy
Mr Fred Holmes	Appellant
Mrs Charlene Holmes	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Alastair Wren	Principal Planning Officer, Bedford Borough Council
Ms Penny Jewitt	Senior Planning Officer, Bedford Borough Council
Steve Jarman	Opinion Research Services

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 relate to the following approved plan: Plan 1: Location Plan 1:1250.
- 3) The development hereby permitted shall not commence until details of turning space for vehicles within the site (with access thereto including drainage details) and of landscaping have been submitted to and approved in writing by the local planning authority. These details shall include an implementation programme. The development shall be carried out in accordance with the approved details.
- 4) No external lighting shall be installed on the land until details of the type, quantity, height and location of lighting have been submitted to and approved in writing by the local planning authority. There shall be no external lighting on the land except in accordance with the approved details.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no close boarded fencing shall be erected on the land.
- 6) All vehicular access gates shall open away from the highway and be set back a distance of at least 10m from the nearside edge of the carriageway of the adjoining highway.
- 7) No residential use of the land shall take place until details of a bin collection point and a waste/recycling bin store/enclosure (to accommodate 1 x 240 litre bin for recycling and garden waste and 1 x 180 litre bin for household waste) have been submitted to and approved in writing by the local planning authority. Storage and collection of bins shall be in accordance with the approved scheme and thereafter retained for the duration of the residential use.
- 8) No residential use of the land shall take place until the access has been surfaced in a stable and durable manner with a bonded material across the entire width of the access for a distance of 5m measured back from the carriageway edge. Surface water from the access must not drain to the public highway.
- 9) 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) shall be stationed on the site at any time.
- 10) The residential use hereby permitted shall be carried on only by Mr and Mrs F Holmes and their resident dependants. When the premises cease to be occupied by those named above the residential use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the residential use, shall be removed and the land shall be restored to its condition before the development took place.

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