



Appeal Decision

Hearing held on 9 August 2022

Site visit made on 9 August 2022

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/F2415/W/22/3291139

4 Mere Meadows, Mere Lane, Bitteswell, Lutterworth, Leicestershire LE17 4LH

- 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 Tracey Macready against the decision of Harborough District Council.
 - The application Ref 20/01783/FUL, dated 6 November 2020, was refused by notice dated 21 July 2021.
 - The development proposed is change of use of land to use as residential caravan site for 5 Gypsy/Traveller families (an increase of 4 pitches), each pitch with two caravans including no more than one static caravan/mobile home.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to use as residential caravan site for 5 Gypsy/Traveller families (an increase of 4 pitches), each pitch with two caravans including no more than one static caravan/mobile home at 4 Mere Meadows, Mere Lane, Bitteswell, Lutterworth, Leicestershire LE17 4LH in accordance with the terms of the application, Ref 20/01783/FUL, dated 6 November 2020, subject to the conditions set out in the Schedule attached to this decision.

Preliminary Matters

2. The site address on the application form refers to '*4 Mere Meadows, Mere Lane*', whilst the Council's decision notice states '*Mere Meadows, Mere Road*'. At the Hearing the main parties confirmed that the appeal site address should be referred to as the one on the application form. I have dealt with the appeal on this basis.
3. At the Hearing the parties confirmed that the appeal site incorporates an existing pitch (Plot 4), in use by the appellant which was granted permission¹ in 2009 as part of the wider site of Mere Meadows. The proposal would therefore increase the pitches by 4 and result in a total of 5 pitches with 10 caravans, 1 static and 1 touring caravan per pitch within the appeal site. I have therefore proceeded on this basis.
4. Directly prior to the Hearing a late representation had been received from Alberto Costa MP directly to the Inspectorate. The timeframe for interested parties' comments lapsed in May. Nevertheless, both main parties were made

¹ 09/00325/FUL Change of use to allow siting of 5 no. residential caravans by extended gypsy family and erection of ancillary utility/day room buildings and hardstanding.

aware of this correspondence at the Hearing and were given the opportunity to make representation as to whether it should be accepted. Given the content of this representation, which did not introduce further matters, I do not consider that any party would be prejudiced if I accepted this.

5. At the Hearing, the Council provided additional documentation, which had been requested prior to the Hearing but had not been received. This included plans associated with the planning history of the site² and the document 'Gypsy, Traveller and Travelling Showpeople Site Identification Study Report', dated July 2017.
6. The Council also drew my attention to an Appeal Decision³, specifically at paragraph 18 relating to an extension of a caravan site and the matter of social cohesion. Having sought the views of the parties, I see no reason why any party would be prejudiced if I were to take this decision into account insofar as it is relevant to this decision.
7. Interested parties at the Hearing requested that I accept additional evidence in relation to land registry documentation of who owns different plots of land serving the wider gypsy and traveller site. The appellant submitted a certificate of ownership with the planning application, and there is no ambiguity regarding the appeal site. I have no reason to find that the appellant does not own the land that forms the appeal site, and matters of who owns other plots/pitches is not for consideration in this appeal.

Main Issue

8. The main issue is whether the development would result in an oversupply of gypsy and traveller pitches, contrary to Policy H6 of the Harborough Local Plan (2019).

Reasons

9. The appeal site relates to a parcel of land contained within a wider gypsy and traveller site, known as Mere Farm / Mere Lane and covers approx. 17 acres. It is some 1.5km southwest of the village of Ullesthorpe, some 2km from the village of Bittlesworth and some 3km to the market town of Lutterworth. The appeal site is bounded by existing gypsy and traveller plots with the north western boundary having an established hedge, leading to agricultural land.
10. The wider gypsy and traveller site comprises of 42 authorised pitches which are all privately owned with access taken from an established entrance off Mere Road. Surrounding views of the appeal site and wider site plots are limited due to the extensive boundary treatments, and the flat nature of the land. The proposal would extend on to land which is currently unused, and as I saw, unmaintained with spoil and elements of hardcore, offering little visual or spatial merit. It would result in 4 additional pitches, and the pitches would share amenities already established by the 1 existing pitch.
11. Policy H6 of the Harborough Local Plan, 2019 (HLP) sets out the Council's policy approach to gypsy, traveller and travelling showpeople accommodation in the District, and includes several criteria which need to be met for development to be permitted. The Council's sole reason for refusal is based on

² 09/00325/FUL, 10/01088/FUL

³ APP/F2415/A/14/2222051

criterion H6(1) of this policy, which states: *'Provision will be made for a minimum of 5 Gypsy and Traveller permanent residential pitches, and 26 plots for Travelling Showpeople'*.

12. The Council at the Hearing confirmed that Policy H6(1) is not a restrictive policy, but should be taken in the context that the Council is able to demonstrate a significant oversupply of gypsy and traveller accommodation as set out in their AMR. However, the policy criterion in H6(1) is for a minimum number of pitches, and it does not preclude or restrict further development if this target is met or exceeded. Therefore, even if the Council can demonstrate a 5-year rolling supply the proposal would not result in conflict with criterion H6(1). This policy therefore provides no basis for withholding permission in this case.
13. For the reasons given, I conclude the proposal would not be in conflict with Policy H6(1) of the HLP, as I have set out above.

Other Matters

14. Whilst limited evidence was provided in the original application, the Council did not contest the situation of the appellant and their family or dispute the appellant's PPTS status. Although, there is not an urgent need as the family is already residing on the permanent pitch at the appeal site. It was clear from the evidence given by Mr Macready, that there was a desire for the family to live and stay together as a larger extended family group, and that the grown-up children would like to start their own families and have a settled base.
15. A number of interested parties raise the effect of the development on local fear of crime. In this regard, issues relating to the existing wider site at Mere Lane were described at the hearing, and I have had regard to the case law⁴ the appellant cited. However, there is no evidence before me linking the appellant or any of the intended occupants of the development with criminal activity or anti-social behaviour.
16. Furthermore, Leicestershire Police Designing out Crime Officer and the Multi Agency Traveller Unit (MATU), which also involves the police did not raise any concerns. Moreover, I have limited details on the circumstances of the case relating to the appeal decision the Council brought to my attention. However, it does not appear to be directly comparable in terms of social cohesion, particularly given that the appeal site forms part of an existing established site. I therefore attach limited weight to this decision in the current case.
17. I note that nearby residents and interested parties have raised additional concerns regarding the development. Given the number of pitches, the use of an existing access and distance to nearby other settlements, the proposal is unlikely to result in unacceptable levels of traffic or highway safety concerns. I further note the Highways Officer did not raise any objections. Nor is there any firm evidence to suggest that the development would lead to significantly increased littering or rubbish, cause additional drainage, contamination or sewage problems, place an undue strain on local services or create an unsafe environment for children.
18. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private

⁴ Smith v FSS & Mid Bedfordshire BC [2005] EWCA Civ 859

interests such as value of land or property. The matter of unauthorised renting or planning contraventions of the wider pitches across the Mere Lane site is not directly relevant to the current proposal.

19. At the Hearing, interested parties also drew my attention to the requirements of 'Designing Gypsy and Traveller Sites: good practice design' which sets out recommended pitch sizes. Nevertheless, this document was withdrawn on 1 September 2015, and I must have regard to the tests now set out within the PPTS.
20. I do not consider that 4 additional pitches, within an established site would fail to 'respect the scale' of the nearest village. I acknowledge that the wider site has now been divided and utilised for individual pitches and sites, and the District hosts a significant gypsy and traveller community. However, I must consider the appeal proposal on its own planning merits, in the context of the approved pitches and on the evidence before me.
21. I note that interested parties had concerns with the responses they received from the Council during the application stage and freedom of information requests, however these matters are not within my remit.
22. I have been referred to several other appeal decisions⁵ relating to the provision of gypsy and traveller accommodation. However, I do not have the precise details of the circumstances of these cases before me, and they are not within the District nor were considered under policies in the HLP. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

Conditions

23. I have considered the conditions suggested by the Council, of which the appellant has had sight and were discussed at the Hearing, in light of the Planning Practice Guidance (PPG). For clarity, precision and to ensure compliance with the PPG, I have undertaken some minor editing and rationalisation.
24. A condition specifying the time limit and approved plans is necessary as this provides certainty. It is necessary and fundamental to the acceptability of the proposal to impose a condition to ensure the development is occupied by people that meet the PPTS definition of Gypsies and Travellers. To protect the living conditions of future occupants, prevent harm to the character and visual qualities of the area, it is necessary to impose a condition that limits the number of pitches and caravans, and for no commercial activities/storage to take place.

Conclusion

25. For the reasons given above, I conclude that the appeal should succeed.

K A Taylor

INSPECTOR

⁵ 2215836, 2193582, 3193773, 3153193

APPEARANCES

FOR THE APPELLANT:

P Brown	Planning Consultant
T Macready	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

A Eastwood	Development Manager
C Zacharia	Team Leader, Planning Enforcement
M Barton	Council Officer

INTERESTED PARTIES:

R Page	District & Local Councillor
L Tankard	Local Resident
T Kandohla	Freelance Press Officer

Documents submitted at the Hearing

- 1 Gypsy, Traveller and Travelling Showpeople Site Identification Study Report
- 2 Appeal Decision APP/F2415/A/14/222051
- 3 Site Location Plan/Existing & Proposed Site Layout 09/00325/FUL
- 4 Site Location Plan/Proposed Stable Block 10/01088/FUL

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Schedule of conditions attached to planning permission

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan@1:1250, Site Layout Plan@1:500.
- 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 5 pitches on the site and each of the new 4 pitches hereby approved, no more than 2 caravans, shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 5) No commercial activities shall take place on the land, including the storage of materials.

- END OF SCHEDULE -