



Appeal Decision

Hearing held on 24 May 2023

Site visit made on 24 May 2023

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/M2840/W/22/3307410

Thrapston View, Thrapston Road, Woodford, Northamptonshire, NN14 4HY

- 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 Michael Collins against the decision of North Northamptonshire Council.
 - The application Ref NE/21/00960/FUL, dated 3 February 2022, was refused by notice dated 24 August 2022.
 - The development proposed is the change of use of land to a mixed use incorporating 2 family gypsy and traveller pitches for 2 mobile homes, 4 touring caravans, amenity block and associated works, and a paddock for the keeping of horses.
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Decision

1. The appeal is allowed and planning permission is granted for a temporary period of 3 years for the change of use of land to a mixed use incorporating 2 family gypsy and traveller pitches for 2 mobile homes, 4 touring caravans, amenity block and associated works, and a paddock for the keeping of horses at Thrapston View, Thrapston Road, Woodford, Northamptonshire, NN14 4HY in accordance with the terms of the application, Ref NE/21/00960/FUL, dated 3 February 2022, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The original application form was dated 11 June 2021, however the application remained invalid until a planning agent was appointed when new forms and documents were submitted. It was agreed with the parties that the application was dated 3 February 2022 and I have used this date in the banner heading above.
3. I observed the development that has taken place on the appeal site following the sites clearance and introduction of areas of hardstanding, including towards the rear of the site which is proposed to be a paddock. Mobile homes have also been brought onto the site.
4. The appellant and their families have moved onto the site, but the plots have not been established as indicated on the submitted plans. I have considered the proposals based on the drawings and not what has occurred to date. Therefore, I have referred to the effect the proposals would have rather than those the existing development on site is having.

Main Issues

5. The Council confirmed that the first reason for refusal set out within the decision notice was an introductory paragraph to the other reasons for refusal and was not a main issue in its own right.
6. Therefore, the main issues are the effect of the development on
 - the character and appearance of the area; and
 - biodiversity.

Reasons

Character and appearance

7. The appeal site comprises a rectangular parcel of land, which previously comprised a semi natural woodland and has subsequently been cleared by the appellant. The site is located on the edge of the settlement of Woodford and is adjacent to existing commercial development.
8. Prior to the appellant's occupation of the site, it was a pocket of woodland comprising ash-dominated native broadleaved woodland, it is thought established from self seeded trees approximately 40-50 years ago. This is the baseline position against which I have considered the proposed development. The quantity of trees removed has resulted in the Forestry Commission indicating that a felling licence should have been obtained and a restocking notice has been issued to replant 132 trees within the front portion of the site. This notice is currently subject to an appeal to the appropriate Minister.
9. The development comprises the subdivision of the site to provide a paddock at the rear, with the frontage of the site being used for the provision of two pitches, comprising four tourers and two mobile homes and amenity building.
10. The Northamptonshire Current Landscape Character Assessment (CLCA) 2005 provides a detailed review and description of the current character of Northamptonshire. The Northamptonshire CLCA: Landscape Strategy and Guidelines builds on this and is informed by the CLCA. The CLCA guidelines and strategy are however not part of the development plan, albeit that the CLCA itself forms part of the evidence base for the Local Plan and is linked to Policy 3 of the North Northamptonshire Joint Core Strategy 2011-2031, adopted July 2016 (CS).
11. The appeal site is within the Rolling Ironstone Valley Slopes, as defined by the CLCA, which is well settled with numerous villages and towns with landscape directly and indirectly influenced by the close proximity of many of the county's urban areas. It is noted that the predominantly agricultural landscape surrounding and forming the setting for the settlements has an active and productive character. The assessment also noted that where broadleaved woodlands and nature hedgerow trees combine, these impart a sense of a well treed landscape and the mosaic of woodland and tree cover is an important feature.

12. The appeal site, before it was cleared, was a small area of woodland which acted as a visual stop at the edge of the settlement. However, the existing boundaries of the site are an established and substantial native hedgerow and it is agreed that the views into the site are limited. As a result of the established boundaries, the site still appears as transition between the built up edge of the settlement and the agricultural uses beyond and this limits to some extent the harm arising from the proposed development.
13. The development would therefore conserve the rural character of the landscape, and additional landscaping could be secured, which would further enhance the boundaries of the site. As a result the site, even if developed, would continue to perform a role maintaining the separation of the settlement from the countryside beyond. Therefore, it would not conflict with the CLCA's strategy that only new development that performs the objectives of conserving and enhancing the character and identity of individual settlements should be approved.
14. However, the guidelines set out that the woodland cover should be conserved and where possible enhanced and the removal of the woodland to facilitate the development of the site fails to do either. Landscape character harm is not limited to that which is visible from the public realm, but also arises from changes to the physical and perceptual fabric of the landscape, such as the use of the land.
15. The harm arising from the loss of the woodland could not be mitigated by the use of landscaping conditions, due to the extent of development proposed which would leave limited opportunities for extensive replanting of trees, such as to replicate the wooded attractiveness that previously existed and contributed to the overall landscape character of the area. In this respect there is a conflict with the CLCA and therefore policy 3 of the CS. It sets out that development should be located and designed in a way that is sensitive to its landscape setting, retaining and where possible enhancing the distinctive qualities of the landscape character area which it would affect.
16. It has been put to me that Policy 3 is inconsistent with the Framework, due to its requirement to conserve and enhance being more restrictive than Paragraph 174. This sets out that planning decisions should contribute to the natural and local environment by recognising the intrinsic character and beauty of the countryside. Whilst Policy 3 of the CS in its use of the word conserve could be considered more restrictive, importantly it also seeks to protect and enhance the natural environment, which is an important part of the Framework. Therefore, I consider it should be afforded significant weight.
17. I accept that Policy 3 must be considered in the context of Policy 31, which permits sites for gypsies and travellers where, in particular, the development does not have a significant adverse impact on the character of the landscape. It is also linked to the requirements of the CLCA and whilst it cannot be applied in such a way so as to frustrate the granting of planning permission, I consider that the development would result in a significant adverse impact and so would also conflict with criterion (i) of policy 31.
18. Whilst the Council's reason for refusal refers to Policy 8 of the CS, it has confirmed that it is no longer relying on this policy as it is not directly relevant to the consideration of the proposed development.

19. In conclusion, the proposed development would have a significant adverse impact on the landscape, resulting in the loss of an important feature of this character area in conflict with Policies 3 and 31 of the CS and this is a matter to which I attribute considerable weight as part of my planning balances to follow.

Biodiversity

20. Policy 4 of the CS states that a net gain in biodiversity will be sought and enhanced through protecting existing biodiversity and geodiversity assets by refusing development proposals where significant harm cannot be mitigated or as a last resort compensated.
21. Paragraph 174 of the Framework requires that decisions should contribute to and enhance the local environment in a number of ways, including provision of net gain for biodiversity. The Planning Practice Guidance (PPG) defined biodiversity net gain as works which deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity gain can be achieved on-site, off-site or through a combination of on-site or off-site measures.
22. Defra and Natural England have developed a Biodiversity Metric 3.1 and associated guidance on how to use it. The PPG advises that the metric can be used to demonstrate whether or not biodiversity net gain will be achieved.
23. No ecological survey was submitted with the application and therefore there is no evidence to establish a baseline of biodiversity on the site before it was cleared. The Council confirmed however, at the hearing, that despite concerns raised within their appeal statement, they were not introducing any grounds of refusal relating to the impact on protected species.
24. Having regard to the metric, broadleaved and mixed woodland are considered to be of at least medium distinctiveness, with developed land being of very low distinctiveness and bare ground, low distinctiveness. Therefore, a net loss has occurred through the trading down of the habitat.
25. In order to assess the quality of the habitat, the Defra metric scores its distinctiveness, condition and strategic significance. In terms of its significance the Council sets out that the appeal site should be considered of high strategic significance, as lowland mixed deciduous woodland is identified in the Northamptonshire Biodiversity Action Plan 2015-2020 (BAP).
26. However, this states that native woodlands can be divided into two main categories, Ancient Semi Natural Woodland and Other Semi Natural Woodland (OSNW), with the parties agreeing that the site would have been OSNW for the purposes of the BAP. The BAP then goes on to outline key opportunities for the Forestry Commission, which deals primarily with ASNW and Plantation on Ancient Woodland (PAW) and does not reference OSNW.

27. The BAP also provides a general strategy, targets and actions which again are predominately aimed at ASNW or PAW. The Council considers that the site would have acted as a stepping stone to the ASNW of Rockingham Forest but have not provided any justification or evidence which supports this terminology or approach. Furthermore, I have not been provided with any information regarding the proximity to Rockingham Forest and the appeal site itself has not been identified formally in any plan or strategy, which leads me to consider that it is unlikely to meet the threshold of high strategic importance for the purposes of the DEFRA metric.
28. However, it is clear that the removal of the woodland has resulted in a net loss in biodiversity terms and that in accordance with Policy 4 of the CS this should be compensated for. Given the extent of the site and the existing landscaped boundaries I am satisfied that opportunities would exist for biodiversity net gains to be achieved through careful management of the site and as part of enhancements to the existing landscaping and other measures such as provision of wildlife/hedgehog gateways in boundaries, bird boxes, bat boxes, bug hotels, ponds, water features and appropriate lighting and that these could be secured by an appropriately worded condition if I were to allow the appeal.

Other considerations

Supply

29. The North Northamptonshire Gypsy and Traveller Accommodation Assessment (GTAA) was published in March 2019 and represents the most up to date reference when assessing need. This identifies that for East Northamptonshire there was an assessed need for 0 pitches within the period up to 2033 for households that met the definition that is set out within the Planning Policy for Traveller Sites (PPTS). However, when taking account those that did not meet the definition, or those that were undetermined, this rose to 28 pitches.
30. On 1 April 2021 a new unitary authority, North Northamptonshire, was created by the merger of four existing non-metropolitan districts, Corby, East Northamptonshire, Kettering and Wellingborough. A new GTAA is anticipated to be completed for the unitary authority in 2023. The parties agree that any need should be based on those arising from the unitary authority and the Council have produced up to date evidence based on this.
31. The Council's evidence indicates that for the North Northamptonshire area as a whole there is a need for 44 pitches for those that meet the PPTS definition, including a 30 per cent need from undetermined households up to 2038 and 28 pitches for the period up to 2027.
32. The Council consider that they have a supply of 40 pitches taking account of pitches that have been granted planning permission, pitches that are currently vacant and pitches that are not occupied by Travellers.
33. However, the GTAA has a shelf life of perhaps 3-5 years and in the absence of an updated GTAA, proposals for new pitches should be made in the context of the existing data available. The appellant has provided evidence to suggest that the Council's baseline figure is too low and the difference between the parties is based on calculations of concealed households, those living in bricks and mortar and new household formation.

34. Furthermore previous appeal decisions¹ have discounted a number of sites from the Council's supply and in particular it would appear that no further progress has been made on the site Land off Stoke Albany Road, which has an extant permission for 10 pitches.
35. Consideration must also be given to the implications of the Smith v SSLUHC & Ors [2022] EWCA judgement regarding the interpretation of the PPTS and the application of that policy to gypsies and travellers who have ceased to pursue nomadic lifestyles. Following Smith, it is possible that other households who have been discounted in the Council's GTAA as not meeting the definition under Annex 1 of the PPTS, would now fall to be considered as having a need.
36. Therefore, based on the evidence before me, given the age of the GTAA and the uncertainty around the robustness of the baseline figure, in particular with regard to newly formed households, there is a likelihood that the current need is greater than that anticipated in the current GTAA.
37. In any event, the parties agree that the appellant has an unmet need for a pitch, which can not be met by current authorised sites or any alternative sites either within the borough or neighbouring sites. Whilst the appellant's mother and father do have another pitch, this is not considered suitable for reasons I will go onto outline.
38. I attach moderate weight to this consideration, noting that the Council has a criteria based policy under which the unmet need can be considered.

Personal Circumstances

39. The appeal site would be occupied by two households:
- The appellant, his wife and their 5 children.
 - The appellant's mother and father and his sister and brother (who are both adults)
40. The two households have a wish to have a settled base together in order that they can provide support to each other, the appellant's mother helps with home-schooling the older children and the appellant provides support in caring for his father who has a number of health conditions.
41. The appellant had previously doubled up on a pitch owned by his father in law, which they have subsequently outgrown. They have also lived on a site locally which they were unable to obtain planning permission on due to its location within Flood Zone 3.
42. The appellant's mother and father own a pitch in Blackpool which has planning permission for them to reside on. However, it is not considered suitable as it does not have electricity and the costs of providing electricity to the site are prohibitive.

¹ APP/L2820/W/20/3249281 & APP/L2820/W/20/3247096/3247099

43. If the appeal is dismissed, then the family would no longer be able to live together as it is difficult to find sites with sufficient space for them to reside together. This would result in a break up of the family support network, and disrupt the education of the older two children who rely on their grandmother as a teacher. It would also disrupt the education of the appellant's middle child who attends school locally.
44. The appellant's father also has a number of health conditions that have required access to hospital at regular intervals to receive treatment and therefore the need for a settled base in order to access these services is important. The appellant and his wife also provide support in terms of caring responsibilities.
45. In addition, living an uncertain roadside existence would not support the children's welfare and development. Instead, an enduring settled base would enable access to education, healthcare and generally supporting the children's welfare by, for example, attending clubs, making friends and being close to family.
46. Article 1 of the First Protocol sets out that a person is entitled to the peaceful enjoyment of his possessions and that no one shall be deprived of his possessions except in the public interest. Article 8 of the Human Rights Act states that everyone has the right to respect for his private and family life and his home. Dismissing the appeal would represent an interference with the home and family life of the proposed occupiers, such that both Articles would be engaged. There is also a positive obligation imposed by Article 8 to facilitate the gypsy way of life.
47. The future occupants of the proposed pitches are, as Irish Travellers, an ethnic minority, and thus have the protected characteristic of race under s149(7) of the Equality Act 2010. The proposal would meet the needs of those persons with a relevant protected characteristic, by reason of race, and so, as required by section 149(1) of the Equality Act 2010, the public sector equality duty is applicable.
48. There is therefore a need to have due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations. Aside from the best interests of the children, I attach moderate weight to the other personal circumstances as a factor in favour of the scheme.

Best Interests of the children

49. Where Article 8 rights are those of children, as in this case, they must also be seen in the context of Article 3 of the United Nations Convention on the Rights of the Child. This requires a child's best interests to be a primary consideration. More particularly, case law identifies that, although a primary consideration, the best interests of a child are not a determinative planning issue, but no consideration must initially be regarded as more important or, in advance of the subsequent assessment of the individual circumstances, be given greater weight.

50. The Guidance advises that decision-makers need to consider whether children's best interests are relevant to any planning issue under consideration. In doing so, it similarly advises they will want to ensure the approach is proportionate. Decision-makers need to consider the case before them and need to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community.
51. The appeal site would provide a settled base for 5 children, and their best interests need to be carefully considered. The children of school age receive a mix of home schooling with the assistance of their grandmother and attending school in the village. For those children that are living on the site but are not yet of school age having the certainty of a settled base before schooling starts would enable them to undertake a smooth transition into the education system.
52. I accept that the best interests of the children would, in principle, be served by a permanent and secure home, whilst having regard to the fact that currently only one of the children's educational needs are currently being met by a school in the local area.
53. The merits of the case presented are such that I afford the benefits, of this development to the best interests of the children, significant weight.

Intentional unauthorised development

54. The establishment of two pitches at the appeal site, without planning permission amounts to intentional unauthorised development, as such the 2015 ministerial statement is relevant². The works have resulted in the clearance of the site and as such some physical damage to the land has occurred and this may be difficult to remediate in the short term. By way of mitigation, the appellant had limited options in respect of accommodation and has sought to regularise the situation through a planning application.
55. Nonetheless, the works undertaken have gone beyond what is necessary to establish a temporary home pending the outcome of the application and works continued after a stop notice had been served. Overall, the undertaking of intentional unauthorised development adds moderate additional weight as a material consideration against the proposal.

Other Matters

56. I have had regard to all of the other matters raised by local interested parties, including the lack of a footpath to provide access to services in Woodford, the reliance on private vehicles to access services and facilities. However, I am satisfied that the appellant and his family, who have a nomadic habit of life, would have adequate access to services and facilities. In particular having regard to the site's proximity to a sustainable settlement and a classified road, where the occupants would be generally reliant on the private car.

² Green Belt Protection and Intentional Unauthorised Development 2015

57. I have had regard to the concerns raised about whether the proposed visibility splays are achievable, and the evidence before me indicates that they are achievable within the highway boundary. Whilst any vegetation that is growing over the highway boundary would be required to be cut back, this could be required even without the development proposed and as such does not place an additional burden on landowners.
58. With regard to the concerns relating to the impact on infrastructure, the occupants are already registered with the local medical centre and have one child at the local school, therefore there is no substantive evidence before me that there would be harm in respect of the impact on local services.
59. Concerns have also been raised about the condition of the rear portion of the site which is proposed to provide a paddock. However, I am content that this can be dealt with by condition to ensure that the land is restored to an appropriate condition for the keeping of horses.
60. Furthermore, concerns raised with regard to a lack of foul and surface water drainage, I am again satisfied that these matters can be addressed by a suitably worded condition.

Upper Nene Valley Gravel Pits Special Protection Area

61. The Appeal Site lies within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA). The SPA was designated for its wintering habitat for wildfowl and wading birds, in particular bittern, gadwall and golden plover and its assemblage of over 20,000 non breeding waterbirds. The conservation objectives are to ensure that the integrity of the site is maintained or restored as appropriate so that it continues to support the population and distribution of its qualifying features.
62. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SPA. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
63. Having regard to the scale of development proposed, the number of additional recreational visitors would be limited and the likely effects on the SPA from the proposed development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
64. The site is within the zone of influence where new residential development is likely to result in recreational pressure, which would, both alone and in combination with other development within the zone of influence, have a likely significant effect on the interest features of the aforementioned site. Therefore, I consider that the development would have an adverse effect on the integrity of the site, but regard can be had to whether these adverse effects can be mitigated.

65. The Council's mitigation strategy is set out within an addendum to the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (SPD). This sets out a strategic approach to mitigation across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling to put towards Strategic Access Management and Monitoring (SAMM), and this approach has been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the SPA.
66. The appellants have indicated that they have made a contribution of £644.28 towards the SAMM. The Council have confirmed receipt of the payment. This approach can be problematic as there is no obligation on the Council to spend the money as envisaged and in a particular timescale. However, the evidence before me indicates that as a responsible public body it will be responsible for administering the mitigation strategy. Therefore, I am satisfied that the mitigation measures have been secured and would be used for their intended purpose.
67. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contribution toward the mitigation scheme would count as mitigation toward maintaining the integrity of the SPA.

Ministerial Statement 6 December 2022

68. I have also been asked to take into account the Ministerial Statement by Michael Gove, Secretary of State for Levelling Up, Housing and Communities dated 6 December 2022. This statement was made in relation to planned changes to the planning system that intend to place local communities at the heart of the planning system.
69. Whilst the statement sets out that the changes will instruct the Planning Inspectorate that they should no longer override sensible local decision making, this statement is made proceeding comments around calculating local housing need figures.
70. In any event, it is not suggested that this statement should mean that no decisions should be taken which differ from those of local communities. I have in coming to my decision taken into account the views expressed by the local MP, local residents and the Council and they have all had a say and played an active part in the appeal proceedings.

Planning Balance

71. Notwithstanding that the scheme would be contrary to the development plan, the question remains whether there are material considerations which would warrant a decision in this instance other than in accordance with the development plan.
72. There are several points in favour of the proposal. The Council are unable to meet the accommodation needs of the appellant and their family, who meet the planning definition of Gypsies and Travellers in the PPTS. The appeal scheme would support the traditional way of life of families that have a protected characteristic.

73. The appeal scheme would facilitate the establishment of a settled base for the appellants' families whilst they continued to pursue a nomadic lifestyle for economic purposes. This would allow cultural traditions to be balanced with the practicalities of modern living thereby, advancing equality of opportunity. Their unmet need for pitches also indicates inequality in housing opportunities and the proposal would help to offset this in a modest way.
74. These are important points in achieving the social sustainability sought by Paragraph 13 of the PPTS. It does not automatically follow that the appeal should be permitted because the PSED is relevant. Nonetheless, the equality implications weigh notably in favour of permitting pitches at the appeal site because dismissing the appeal would perpetuate the disadvantages currently endured.
75. The accommodation needs and personal circumstances of the intended occupiers are together, significant points in favour of the proposals. Furthermore, the best interests of 5 children is a primary consideration. All would benefit considerably from a settled base from which to gain stability and an education. I have attached moderate weight to the accommodation needs and personal circumstances of the appellant, and significant weight to the best interests of the children.
76. Nevertheless, I attach considerable weight to the significant collective harm to the intrinsic character and appearance of the area as described, and moderate weight to the intentional unauthorised development. In the overall planning balance, the benefits of the proposal, including that the development would provide a settled base for two households, are not sufficient in this case to outweigh the harm on the character and appearance of the area.

Temporary Planning Permission

77. Possibilities for a temporary planning permission require a second balancing exercise taking into account the limited duration of any permission and any reasonable expectation of a change in planning circumstances by the end of that period.
78. I have considered the best interests of the children, and in granting a temporary period that education could be provided in local schools and to the difficulties of finding alternative, authorised accommodation. There would also be the benefits for the appellant's father to have continued access to medical treatment locally.
79. Whilst the harm arising to the character and appearance of the area would remain, it would be incurred for a strictly limited period of time only. The Council is in the process of updating its GTAA in order to inform a Gypsy and Traveller Local Plan, which will identify sites and the council have advised that this could be adopted in 2025, with an additional 12-18 months for sites to come forward. Therefore, there is a possibility of legitimate alternative sites becoming available through that process, from around the time of its adoption.
80. A temporary permission would allow time for the appellant's and the Council to work together to find a long term solution, and on this basis I consider that a three year temporary permission would be reasonable in this instance and based on the facts of the case before me.

81. The evidence before me indicated that if the appeal were dismissed the terms of the restocking notice could be upheld and this would require the site to be replanted as a woodland. However, it would be a significant period of time before any newly planted trees become established and contribute to the wooded character recognised within the CLCA and any biodiversity gains to be realised.
82. The appellant has suggested a temporary permission would enable the submission of a plan for the site to achieve biodiversity net gain, and this is likely to lead to biodiversity gains being realised in the short term, mitigating any loss arising from the loss of the trees. In granting a temporary permission this ensures that if the biodiversity net gain cannot be achieved, the replanting of the site could also be secured as part of a site restoration condition. Also, the evidence provided at the hearing indicates that the granting of a temporary period would not prevent the terms of the restocking notice being implemented in the future.
83. Therefore, the material considerations would clearly outweigh the temporary harm arising from a limited period of occupation such to justify the grant of a temporary permission personal to the appellant and his family.
84. A temporary permission would be a proportionate response that balances the qualified Article 8 Human Rights of the appellant for respect of private and family life and home with the proper planning of the area and its economic well-being, including the protection of the environment.

Conditions

85. The parties suggested conditions orally at the Hearing which I have considered against the advice in the National Planning Policy Framework and Planning Practice Guidance. The proposals are acceptable for a temporary period, partly due to the personal circumstances of the intended occupiers and therefore it is necessary to impose a condition detailing this. As the proposed occupants are Gypsy and Travellers and the permission would be both personal and temporary it is not necessary to restrict occupation to Gypsies and Travellers, defined so as to not exclude those who have ceased travelling permanently.
86. As only two pitches are justified it is necessary in the interests of certainty to secure this and the total number of caravans permitted on the site. I have also restricted the commercial use of the site
87. To limit the visual impact the size of vehicles to be kept at the site and permitted development rights for means of enclosure are to be restricted. For similar reasons details of the restoration of the paddock, a scheme for the restoration of the site following the end of the temporary period and details of any external lighting are also required to be submitted, agreed and implemented.
88. In order to ensure suitable living conditions for the occupiers of the site, details of foul and surface water drainage are also required.

89. In order to ensure that the site is able to deliver biodiversity net gain, following its clearance, even for the temporary period it will be occupied, a condition is necessary to establish the baseline condition and details of mitigation for any loss that has occurred. In particular details of how this will be monitored over the three year period are also required, in order to demonstrate whether biodiversity net gain has been achieved.
90. I have not imposed a condition requiring the submission of a detailed landscaping plan, notwithstanding that some planting may be proposed as part of the biodiversity net gain requirements, as it would place an undue burden on the appellant, noting the temporary nature of the permission.
91. I have not found it necessary for the proposed paddock to be subject to a legal obligation to control its future use as I am satisfied that sufficient controls are in place to restrict commercial use of the site and the development has to be carried out in accordance with the approved layout plan, which would preclude the use of the rear portion of the site for the siting of caravans.

Conclusion

92. I therefore conclude that harm I have identified to the character and appearance of the area is outweighed, when considered with a temporary permission, by other material considerations including the personal circumstances of the proposed occupiers of the site. As such the appeal should be determined otherwise than in accordance with the development plan.
93. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed for a temporary period of three years.

G Pannell

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Green – Green Planning Studio Ltd
Michael Collins
Elizabeth Collins

FOR THE LOCAL PLANNING AUTHORITY:

Peter Baish – North Northamptonshire Council
Steven Jupp – Planning Solutions
Steve Jarman – Opinion Research Services Ltd
Ian Dudley – Landscape Architect (Nicholsons)
David Lintott – Cornerstone Barristers

INTERESTED PARTIES:

Cllr. D Maxwell
J Burgess

SCHEDULE OF CONDITIONS

- 1) The use hereby permitted shall be carried on only by the following:
 - Christopher and Elizabeth Collins
 - Michael and Katherine and their resident dependants
 - Christopher Collins (son of Christopher and Elizabeth Collins)
 - Elizabeth Collins (daughter of Christopher and Elizabeth Collins)and shall be for a limited period being the period of 3 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
- 2) When the premises cease to be occupied those named in condition 1 above, or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored in accordance with details agreed under condition 7.
- 3) The development hereby permitted shall be carried out, including the siting of caravans, in accordance with the following plans:
 - Location Plan 21_1162_001
 - Existing Site Plan 21_1162_002
 - Proposed Site Plan 21_1162_003 A
 - Amenity Block 1:100
- 4) There shall be no more than 2 pitches on the site and on each of the pitches hereby approved no more than 6 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed at any time, of which only 2 caravan shall be a static caravan.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 6) No commercial activities shall take place on the land, including the storage of materials.
- 7) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 56 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision the following shall be submitted:
 - A Biodiversity Net Gain Report using the DEFRA Small Sites Biodiversity Metric or any successor, shall be submitted to and approved in writing by the local planning authority which provides for measurable biodiversity net gain.
 - The content of the Biodiversity Net Gain report should include the following:
 - Baseline data collection and assessment of current conditions on site;

- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
 - Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
 - Details of the implementation measures and management of proposals;
 - Details of the monitoring and auditing measures.
- the means of foul and surface water drainage of the site;
 - details of the restoration of the paddock such that it is suitable for the keeping of horses;
 - proposed and existing external lighting on the boundary of and within the site;
 - details of surfacing of the site access;
 - details of the restoration of the site to its condition before the development took place, (or as otherwise agreed in writing by the local planning authority) at the end of the period for which planning permission is granted for the use, or the site is occupied by those permitted to do so, as appropriate
- (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
- ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. The proposed enhancement measures set out within the Biodiversity Net Gain report shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Upon implementation of the approved site development scheme specified in this condition, that site development scheme shall thereafter be maintained for the duration of this permission.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

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- 8) 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 walls, fences or other means of enclosure other than those 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.

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