



Appeal Decision

Site visit made on 10 October 2023

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2023

Appeal Ref: APP/P0240/W/22/3307038

Chestnut Caravan Park, Steppingley Road, Tingrith, Milton Keynes MK17 9FG

- 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 Slender against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/02054/FULL, dated 18 March 2021, was refused by notice dated 8 April 2022.
 - The development proposed is 4 additional caravan plots for static caravans and towing caravans.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Chestnut Caravan Park (the 'Park') is formed of a parcel of land which fronts Steppingley Road and a similarly sized parcel which sits behind it and which is the appeal site. I understand there is a planning permission for four pitches which covers the whole of the Park, including the appeal site, and at my site visit there were caravans positioned on both parts of the Park.

Main Issues

3. The main issues are:
 - i) whether the proposal is inappropriate development in the Green Belt having regard to the Planning Policy for Traveller Sites (PPTS) and relevant development plan policies;
 - ii) the effect of the development on openness;
 - iii) whether the site is suitably located with respect to its access to services and facilities by sustainable modes of transport;
 - iv) the effect of the proposal on the Greensand Ridge Nature Improvement Area (NIA);
 - v) whether the development would provide acceptable living conditions for its future residents with respect to noise, foul water drainage and amenity space; and
 - vi) would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Inappropriate development?

4. Although the site is partly already developed, is well established, and has both a license and planning permission for four pitches, it is designated as Green Belt. The government's PPTS states that traveller sites in the Green Belt are inappropriate development. The proposal is therefore inappropriate development and is contrary to the PPTS. It would also be contrary to Policy SP4 of the Central Bedfordshire Local Plan (the 'Local Plan') which sets out a general presumption against inappropriate development in the Green Belt.

Openness

5. Although the appeal site may already have planning permission for four pitches, the introduction of four additional pitches, and the static and towing caravans associated with them, would represent an increase in structures on site. Views into the site are limited, but the volume of the caravans proposed would significantly reduce the spatial openness of the site. The development would contrast with the National Planning Policy Framework (the 'Framework') which states that one of the essential characteristics of Green Belts are their openness.

Access to services and facilities

6. The Park is located around half a mile from Tingrith, but there are very few facilities or services in that settlement to serve resident's day to day needs, nor any medical facilities or schools. I understand the nearest such facilities are around two miles away. To access these, residents at the site would be reliant on their own vehicles. Therefore future occupiers of the development would not have access to services and facilities by sustainable modes of transport. The proposal would therefore conflict with Local Plan policies HQ1 and SP7 which require proposals to be well connected to nearby services and facilities by routes that support sustainable modes of travel.
7. I have also had regard to the PPTS which states that traveller sites away from existing settlements should be very strictly limited. The distance between the site and Tingrith leads me to the view that the development would be contrary to this advice.
8. It is accepted that online shopping is a regular source of goods. However, it does not wholly replace the day to day needs of the residents, and in any case, there is no guarantee the residents would use this option. Also although the development is intended to serve the appellant's family and so car trips may be shared, it is not unreasonable to consider that there would be a modest increase in traffic from the doubling of the number of pitches at the site.
9. I am referred to a barn conversion nearby, which the appellant suggests is also detached from Tingrith. However I have no further details of that case so cannot attest to its comparability with the current appeal scheme.

Living conditions

10. The Environment Agency (EA) has confirmed that the site is located in an area where there is a public sewer. Although the appellant has suggested the development would be served by a Klargestor sewer treatment system, the EA

state that the site should be connected to the public sewer, which the Klargestester would likely replace.

11. The EA advise the use of this private sewerage treatment system would have a greater risk of failure than the public sewerage system and therefore a higher risk of unsanitary living conditions for the future residents. I agree.
12. A noise assessment has been provided during the appeal which considers noise from the nearby elevated M1 motorway. This assessment demonstrates that average noise experienced within the static caravans during daytime and night-time would be below British Standard recommendations. However, the outdoor areas would experience noise above recommended levels, even those parts 'shielded' by the caravans themselves. Indeed, from my site visit, noise from the M1 was dominant. Existing residents will be used to this noise, but the increase in the number of pitches means a greater number of residents would be exposed to it.
13. In summary, noise from the M1 would be disturbing for future residents when using any external amenity space, and the use of a private sewer system when a public sewer is available could result in an unsanitary foul water drainage. These aspects would both result in poor living conditions for the future occupiers being provided. As such the development would be contrary to Local Plan policy CC8 which guards against proposals which are likely to be exposed to unacceptable levels of pollution, including noise and waste treatment; and policy H7 which aims to provide a good standard of amenity for future occupiers of land.
14. Some of the Council's other concerns are that there is insufficient distance between touring and static caravans, that there are no amenity blocks shown, and that individual pitches are not clearly marked. However these are all requirements of a site licence and are covered by legislation other than the Town & Country Planning Act.

NIA

15. The explanatory text to Local Plan policy EE8 advises that the Greensand Ridge NIA is designated to support a stronger natural environment, and that it contains a range of characteristic habitats such as grassland and wet woodland. None of the characteristic habitats exist at the site, which is largely hardsurfaced, and there is no evidence to suggest the development would harm the grassland which adjoins the sides of the site, or the woodland behind. Indeed, the Council's Tree and Landscape Officer raises no objection.
16. The policy generally requires a gain in the quality of ecological networks. In view of the current condition of the site, such gains could be readily achieved through modest landscaping, which could be secured by a condition were planning permission granted. Consequently the proposal would not conflict with policy EE8.

Other considerations

17. The Council state that, based on the conclusions of a recent appeal decision elsewhere in the district, there is some unmet need for Gypsies and Travellers accommodation, although there is no evidence before me of the extent of this unmet need. Nonetheless, even if I were to assume the unmet need was not

substantial, the provision of four additional pitches would still carry significant weight.

18. The appellant has set out that the additional pitches are mainly to serve his family including his brother, his mother, two daughters, and a number of grandchildren. Some of these family members have physical and mental disabilities. However I have very few details of their specific healthcare needs or any educational needs that would be best served by living at this site. Nor is there any evidence to suggest the current living arrangements of those family members who live outside the district is unsuitable. Moreover, there is nothing before me to suggest a temporary planning permission could address their needs.
19. Nonetheless I recognise there would be some benefit for all members of the family to reside together, especially because the care for those who particularly need it can be provided communally. With regard to this, I have had regard to their rights under Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998. Article 8 affords the right to respect for private and family life, including the traditions and culture associated with the Roma Gypsy way of life. It is a qualified right, and interference may be justified where that is lawful and in the public interest.
20. Dismissing this appeal would likely interfere with the appellant's rights under Article 8 in that it would prevent his wider family being able to live together which is common in his culture. However, interference with those rights in this instance would be in accordance with the PPTS which advises that personal circumstances and unmet need is unlikely to clearly outweigh harm to the Green Belt and other harms, in this case to living conditions and the aim of supporting sustainable modes of travel, so as to amount to very special circumstances.
21. However, that balance is subject to the best interests of children. There is no other consideration more important than the best interests of children. In this case, there is little detailed evidence of the children that would live at the site or if their interests would be best served by being on this particular site with their wider family, instead of being on a different site or remaining in their current accommodation.
22. Roma Gypsies share the protected characteristic of race for the purposes of the Public Sector Equality Duty (PSED) under s149 of the Equality Act 2010 which sets out the requirement to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not. I consider the harms resulting from the development, as identified above, would outweigh the benefits in terms of advancing equality.

Conclusion

23. The development would cause harm to the Green Belt by virtue of its inappropriateness, which carries substantial weight. It would also fail to support sustainable modes of travel and would fail to provide acceptable living conditions for its future occupiers.
24. The unmet need for Gypsy and Traveller pitches, the appellant's personal circumstances and the application of the Human Rights Act and the PSED carry

significant weight. However they do not clearly outweigh the harm to the Green Belt and the other harms resulting from the proposal.

25. The proposal conflicts with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan.

26. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

A Owen

INSPECTOR