



Appeal Decision

Hearing held on 28 August 2024

Site visit made on 28 August 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

Appeal Ref: APP/J0405/W/23/3334857

Land South Of Preston Road And South West Of Game Farm, Gawcott, Buckingham MK18 4HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Fred Ball against the decision of Buckinghamshire Council.
 - The application Ref is 23/02597/APP.
 - The development proposed is change of use of land to use as residential caravan site for 4 Gypsy families, each with 2 caravans, together with laying of hardstanding, erection of 4 No. amenity buildings and construction of new access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the header is taken from the application form. I have added the post code for completeness and precision reasons.
3. I saw on my visit a static home and touring caravans positioned on an area of stone hardstanding covering the front part of the appeal site. The appellant's representative confirmed at the hearing that the site is being used for residential purposes. As such, the development has commenced, although the number and layout of the caravans and the extent of the hardstanding that I saw is different to that as shown on the submitted site layout plan.
4. A revised National Planning Policy Framework (the Framework) has been published since the appeal was lodged. On the same day, the government issued an amendment to the national Planning Policy For Traveller Sites (PPTS) and the definition it contains for Gypsies and Travellers. I have had regard to these revised documents in my assessment.
5. More recently, the Secretary of State issued a written ministerial statement entitled "Building the homes we need" and the government published a consultation on proposed reforms to the Framework and the planning system. These contain no provisions or proposed revisions relevant to this appeal and so I have not sought specific comments from the parties on these documents.
6. At the hearing, verbal evidence was provided on the current and intended occupants of the development. I understand that all of the residents either currently live or previously resided at a Gypsy and Traveller site called Oakhaven Park, located close to the northern edge of Gawcott. In light of this evidence, the Council's representatives accepted at the hearing that the

occupants meet the definition of Gypsies and Travellers as set out in the PPTS. In any event, it is clear from the description that the development would provide accommodation for Gypsy families. My decision is made on this basis.

7. A Preliminary Ecological Appraisal (PEA), a Biodiversity Enhancement Strategy (BES), a Small Sites Biodiversity Metric (the Metric) and a Sustainable Drainage Assessment (SDA) have been provided with the appeal. None of these were with the Council at the time it made its decision. However, there has been an opportunity to submit written and verbal comments on the documents through the appeal process. The documents do not change the development and so I am satisfied that no injustice would be caused by taking them into account.
8. Also, I accepted at the hearing the submission of a transport and highways technical note (hereafter referred to as the Highways TN). The Council's Highway Development Management Officer had already seen the Highways TN and helpfully provided a written response to it (hereafter referred to as the Highways Officer's response). The appellant's highway consultant had an opportunity to provide verbal comments on the Highway Officer's response at the hearing. I am satisfied no injustice would be caused by taking these documents and comments into account.
9. A number of drawings were provided with the planning application leading to this appeal, including the aforementioned site layout plan. This shows the layout of the 4 proposed pitches with mobile homes, touring caravans and amenity buildings, as well as the extent of hardstanding and proposed hedgerows and trees. Importantly, it also shows the proposed access positioned centrally along the frontage of the site. It is clear that the Council's decision is based on this site layout plan.
10. At the hearing, the appellant's representative requested that I disregard the site layout plan, in particular the details of the proposed new access. This request follows on from the findings of the Highways TN, which indicate an access to serve the development would need to be positioned towards the western side of the site to maximise visibility of the road. It was also accepted by the appellant's representative at the hearing that such a revision in the position of the access would affect the layout of the pitches.
11. The appeal process should not be used to evolve a development and it is important that what I consider is essentially the same scheme considered by the Council and by interested parties. To grant permission without a planning condition that requires the development to be carried out in accordance with the submitted site layout plan could result in a fundamental change to the scheme. Moreover, any changes to the details as shown on the site layout plan would not have been subject to public consultation. This could be unfair and could cause prejudice to interested parties. Also, the appellant's submissions such as the SDA and the BES are based upon the details as shown on the submitted site layout plan. To consider the appeal without reference to this plan raises concerns over the validity of the appellant's case on issues such as surface water drainage and biodiversity. For these reasons, my assessment is based on the details as shown on the submitted site layout plan.

Main Issues

12. In light of the PEA, the Council no longer wishes to pursue its objections that relate to the effect of the development on protected species. I am also satisfied

the scheme would avoid harm or risk of harm in these regards. Consequently, the main issues are (i) the development's effect on highway safety, (ii) its effect on biodiversity, (iii) whether there is a need for the development, (iv) whether the development is in a suitable location in light of the policies of the Vale of Aylesbury Local Plan 2021 (the LP), the Framework, the PPTS and accessibility to services, and (v) drainage and flood matters.

13. If I find the development would be unacceptable in any of these regards, there is an additional issue as to whether the benefits of the scheme outweigh the harm caused so as to justify granting planning permission.

Reasons

Highways safety.

14. The proposed access would lead out onto Preston Road, a lightly trafficked, narrow rural lane. It would replace an existing opening near the western boundary, which the site layout plan indicates will be closed off with new hedgerow planting. The existing roadside hedgerow would be removed so as to provide visibility splays on either side of the access.
15. The application form indicates the site was used as grazing land prior to the commencement of the appeal development. Also, the appellant's representative explained that a stable building that previously existed on the site was used to keep horses. Even so, it is likely that this previous use would have generated a low level of traffic movement. In comparison, the appeal development would generate vehicular trips associated with 4 separate households. In the absence of any evidence to the contrary, it is fair to expect the scheme would increase traffic movements to and from the site.
16. The Highways Officer's response sets out required visibility splay lengths based on speed survey data and the provisions of Manual for Streets 2. I find no reason to disagree with the Highway Officer's comments that an acceptable visibility splay could be provided to the northeast of the proposed access. However, there is concern over the visibility splay that could be provided in the opposite direction.
17. The Highways Officer's response indicates that a visibility splay of 2.4m x 88m is required to the southwest of the access. This is less than the visibility splays suggested in the appellant's Highways TN, which states a splay of 2.4m x 110m is required when having regard to the provisions of the Design Manual for Roads and Bridges. However, the Highways TN does not indicate the length of visibility splays that could be secured from the proposed access as shown on the site layout plan. This plan itself shows a splay of 2.4m x 60m could be achieved to the southwest of the access when taking the splay to the centre of the road. As such, the visibility splay to the southwest would be significantly shorter than the required splay distances as suggested in either the Highway Officer's response or the Highways TN.
18. The access to the appeal site would be on the inside of a bend so that views of the highway to the southwest are significantly curtailed by hedges further along the road. Moreover, it is likely the development would lead to slow moving cars with caravans turning out of the site. Also, forward visibility when approaching the site from the southwest is restricted due to a nearby double bend in the road. Even when accounting for fairly modest speeds identified

under the appellant's surveys, drivers from the southwest are unlikely to see the proposed access and vehicles turning out onto the road until close to the appeal site. Through a combination of these factors, the development would potentially result in drivers unknowingly pulling out in front of on-coming traffic when leaving the site, leading to sudden braking and possible collision.

19. It is suggested in the appellant's submissions that the current entrance onto the site is in a worse position than the proposed access. However, the Highways TN seems to indicate that an access towards the west boundary of the site would provide longer visibility splays than the proposed access. In any event, any inadequacies of the existing entrance do not justify allowing the proposed unsafe access and a development that is likely to increase vehicle movements onto and off the site.
20. The scheme would generate a modest level of trips and Preston Road is likely to experience fairly low levels of traffic. Nonetheless, for the above reasons I conclude the development would have an unacceptable effect on highway safety. In these regards, it would conflict with criterion b of LP policy D11 and LP policies T1 and T5. Amongst other things, these look to improve the safety of road users and for Gypsy and Traveller sites to have safe vehicular access without causing adverse impacts on highway safety.

Effect on biodiversity.

21. LP policy NE1 looks for a net gain in biodiversity and resists development that results in significant harm. The policy states that if a proposal would result in a net loss of biodiversity as calculated using a suitable biodiversity impact assessment, mitigation and compensation will be sought so a net gain is achieved. Also, criterion d of LP policy D11 looks for new Gypsy and Traveller sites to not have a significant adverse effect on biodiversity.
22. The appellant's BES refers to proposed biodiversity enhancement measures in the form of new trees along the front of the site as well as native hedgerow around the proposed pitches. Also, it is proposed to provide a 50m strip of wildflower grassland on land beyond the southern boundary of the appeal site but also owned by the appellant. It is claimed that the submitted Metric demonstrates that such measures would lead to a gain of 0.96% in habitat units and 48.28% in hedgerow units.
23. However, I share the same concerns as expressed by the Council on the data entered into the Metric. It seems the information on habitat and hedgerow units relates not just to the appeal site but also to the adjoining land to the south in the appellant's ownership. Also, the Metric's figures indicate all of the existing hedgerow on the site is to be retained when the site layout plan indicates the line of trees and hedges on the roadside boundary would be removed to provide the new access. The loss of this established hedgerow does not appear to have been considered in the completion of the Metric and so I am unconvinced on its conclusion on achieving a gain in hedgerow units.
24. Furthermore, it is evident that in assessing the baseline biodiversity value, the BES and the Metric have used the current situation with hardstanding on most of the front part of the site. However, the appellant's ecological assessment dated 26 October 2021 shows most of the front part of the site as being mainly covered by dense scrub, poor semi-improved grassland and tall ruderal planting. It is unclear why the information provided in the ecology assessment

has not been used to inform the baseline biodiversity value of the site. The stone hardstanding that currently exists forms part of the appeal development and the effect of this hardstanding on the biodiversity value of the site has not been considered in the Metric or the BES.

25. The proposed planting and provision of bat and bird boxes would in themselves be features that could contribute towards biodiversity. However, the creation of wildflower enriched grassland on narrow strips of land around each pitch is unrealistic as the same land is likely to be used by residents as garden or amenity land.
26. In summary, I find the assessment provided by the appellant under-estimates the baseline biodiversity value of the site and over-estimates the contribution the proposed planting would make towards biodiversity. Therefore, rather than achieving a minor gain to biodiversity I find the development has and would undermine the site's value in these regards.
27. I have considered whether the harm caused by the development could be addressed through the imposition of a planning condition. I note the Inspector for appeal reference APP/J0405/W/23/3332664 on a Gypsy and Traveller site in Edgcott found that a planning condition on biodiversity net gain would be appropriate. However, the situation with this appeal is different as the scope to include new planting as part of the development itself is limited given the extent of the development across most of the site. The adjoining land in the appellant's ownership would remain open and it would be reasonable to impose a planning condition that requires additional planting on this land. However, this area already has a biodiversity value and there is insufficient information before me to show that any achievable uplift in its value would fully mitigate for the loss of biodiversity as a result of the proposal.
28. Therefore, I conclude the development would have a harmful effect on biodiversity. In these regards it would conflict with LP policy NE1 and part (d) of LP policy D11.

Whether there is a need for the development.

29. While LP policy D11 sets out criteria for the assessment of proposals for Gypsy and Traveller sites, it is only supportive of such development where there is an identified need, taking into account existing local provision and the availability of alternatives. Through its submissions¹, the Council has accepted there is no requirement for a general need to be demonstrated but that a personal need can qualify for the purposes of meeting the terms of LP policy D11. Nonetheless, the Council's Statement of Need June 2024 (the Need Statement) claims that in excess of 5 years' worth of supply of deliverable Gypsy and Traveller sites when assessed against local targets can be demonstrated. As such, the Council's position is that the supply of sites requirement as set out at paragraph 10(a) of the PPTS is met. In essence, the Council's case is that the number of pitches already permitted and delivered exceeds target numbers for the period of 2016 to 2026 and indeed for the period extending to 2029.
30. I find a number of difficulties with the Council's contentions in these regards. Firstly, its pitch target as set out at LP policy S6 and updated target in the Need Statement are based upon a Gypsy and Traveller Accommodation

¹ Paragraph 5.12 of the Written Statement for Informal Hearing of Miss Emma Mumby, June 2024.

Assessment (GTAA) dated 2017 and with a base date of February 2016. The Council's representative at the hearing accepted the GTAA is now old. At paragraph 7(b), the PPTS states that local planning authorities should maintain an up-to-date understanding of the likely accommodation needs for pitches. By reason of its age, the GTAA fails to meet this requirement and so there is uncertainty whether the Council's pitch targets accurately reflect actual need.

31. Also, it is noteworthy that an Inspector who dealt with appeals relating to a number of Gypsy and Traveller pitches at Sunset Park Homes in Whitfield found in December 2022 that the GTAA has significantly underestimated the need for pitches within Aylesbury Vale². No further assessment of need has been carried out since these appeal decisions.
32. Moreover, footnote 4 of the PPTS states sites should be available now to be considered deliverable. This supports the appellant's suggestion that the purpose of PPTS paragraph 10(b) is to ensure a front-loaded supply of sites to address needs before or as they arise. Most of the sites identified as contributing towards supply in the Need Statement have already been granted planning permission and have been delivered. Those identified as future supply do not benefit from planning permission and in any case, they are already occupied. The evidence indicates that none of these sites are currently available. Also, the Council's representatives at the hearing were unable to identify any vacant sites with planning permission or allocated for Gypsy and Traveller accommodation use. Given this context, it is unclear how any need for further pitches that has not been accounted for in the GTAA would be addressed. As such, I am unconvinced a 5 year supply of deliverable sites can be demonstrated and so I find there is a general need for more pitches.
33. The appellant and others who attended the hearing explained how the accommodation needs of the intended occupants have changed or will soon change due to family and personal circumstances. I was told that the pitches available at Oakhaven Park have become too small to accommodate all the intended residents of the appeal development. Also, I was advised that a proposal to extend the Oakhaven Park site was refused planning permission following an appeal. Altogether, this evidence indicates that Oakhaven Park provides insufficient space to meet the accommodation needs of the intended occupants of the appeal development. No party at the hearing could identify any alternative site to meet these accommodation needs.
34. As such, I conclude the development would help address a general and personal need for additional Gypsy and Traveller pitches. In these respects, it would accord with LP policy D11.

Suitability of location.

35. The appeal site is in the countryside. The statement of common ground says it is approximately 0.8km by road to the western edge of Gawcott. Towards the centre and eastern edge of the village there is a primary school, village hall, a church and a pub as well as playing fields. Bus stops on the main street provide

² Appeal Decisions reference numbers APP/J0405/W/22/3295747, APP/J0405/W/22/3295748, APP/J0405/W/22/3295749, APP/J0405/W/22/3295750, APP/J0405/W/22/3295751, APP/J0405/W/22/3295752, APP/J0405/W/22/3295753, APP/J0405/W/22/3295754, APP/J0405/W/22/3295755, APP/J0405/W/22/3295756, APP/J0405/W/22/3295757, APP/J0405/W/22/3295758, APP/J0405/W/22/3295759, APP/J0405/W/22/3295760, APP/J0405/W/22/3295761, APP/J0405/W/22/3295762, APP/J0405/W/22/3295763, APP/J0405/W/22/3295764, APP/J0405/W/22/3295765, APP/J0405/W/22/3295766

access to buses to the key services in Buckingham, which is about 5km away by road. Tingewick lies about 2km by road from the appeal site and it contains a store/post office as well as a primary school, village hall and pub. Preston Bissett is about 3km from the site and it has a pub and a church.

36. Part (a) of LP policy D11 requires Gypsy and Traveller sites to have reasonable access to existing local services, including shops, schools and healthcare. It goes on to say that sites should be close to sustainable settlements or with good access to a classified road and/or public transport. Occupants of the appeal development would have good access to Preston Road, which is a classified C-road. In these regards, the scheme would meet a requirement of criterion (a) of LP policy D11. The wording of the second sentence of criterion (a) includes the words "and/or" and so it does not require sites to also have good access to public transport.
37. There is no guidance in the LP as to the meaning of "reasonable access to existing local services" or "close to existing sustainable settlements". Gawcott and Tingewick are identified as being medium villages within the LP and so it is reasonable to treat both as sustainable settlements. It is unlikely that residents of the development would walk to and from the services within these villages given the separation distances and the lack of pavements and lighting along most of the connecting roads. However, the distances and nature of the highways would be conducive to cycling between the site and the nearest facilities. Also, the development would be only a short drive time away from the nearest villages. To my mind, the site would provide reasonable access to local services and would be close to sustainable settlements.
38. Residents of the development are likely to travel to Buckingham to access health care facilities, secondary schools and a broader range of retail, employment and leisure premises. The bus stops in Gawcott provide the potential for such trips to be carried out by public transport although the walking distance between the development and the bus stops would discourage such journeys. Instead, it is fair to assume residents would travel by car to access services in Buckingham. However, such trips would be fairly short in distance and time and not unusual given the largely rural context of the wider area around Buckingham. Therefore, in these regards the residents of the development would have reasonable access to facilities.
39. LP policy S3 seeks to avoid new development in the countryside unless it accords with policies in the LP to support thriving rural communities. The development would be close enough to Gawcott, Tingewick and Preston Bissett to allow its occupiers reasonable opportunity to support services within the villages and to integrate with local communities. As the development would accord with part (a) of LP policy D11, I find no conflict with LP policy S3.
40. LP policy S2 sets out a spatial strategy for strategic growth and investment. It states that housing development in rural areas will be strictly limited but it includes no provisions in respect of Gypsy and Traveller sites. Also, LP policy S6 includes no requirements or criteria on the location of Gypsy sites. Therefore, the development would not directly conflict with these policies. LP policy S1 says all development must comply with the principles of sustainable development but it contains no guidance in what this means in terms of the location of Gypsy and Traveller sites. The policy requires

consideration of access to facilities. However, I find the development would be acceptable in these regards as it would comply with part (a) of LP policy D11.

41. LP policy T1 explains the Council's sustainable transport strategy is based on encouraging modal shift with greater use of more sustainable modes of transport. This accords with the provisions of section 9 of the Framework. The development would be located so that residents would be highly reliant on private car travel to access facilities. However, LP policy D11 that relates specifically to Gypsy and Travellers sites does not preclude such development as preferred modes of travel are not identified. Also, paragraph 109 of the Framework highlights that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. When taking this into account, I consider the residents' reliance on car travel would be acceptable, particularly given the fairly short drive times to the nearest services.
42. Paragraph 25 of the PPTS indicates that new Gypsy and Traveller sites in open countryside and away from existing settlements should be strictly limited. However, this does not entirely preclude such development. Under PPTS paragraph 24(d) it is clear that locally specific criteria should be used to assess applications that may come forward on unallocated sites. In this case, the development would accord with part (a) of LP policy D11 and this is the overriding factor in my assessment of the scheme against this main issue.
43. Therefore, when considering all relevant policies and provisions as a whole, I conclude the development would be in a suitable location in light of LP policies, the Framework, the PPTS and accessibility to services. Acceptability in these regards is a neutral factor in my overall assessment of the appeal.

Drainage and flood matters.

44. The SDA explains the intention to provide rainwater harvesting butts, permeable surfacing as well as 2 soakaways to attenuate surface water from the development prior to infiltration into the ground. The soakaways are shown as lying between the pairs of pitches towards the front and rear of the appeal site. Foul water from the development would lead to a package treatment plant positioned in the field adjacent to the appeal site and in the appellant's ownership. Discharge from the plant would lead into a herringbone drainage system that would allow treated water to infiltrate into the ground.
45. The SDA refers to an infiltration suitability map that identifies a moderate potential for ground infiltration on the site. However, the SDA recommends a site investigation to confirm infiltration capacity as well as groundwater levels. No site specific ground investigations have been carried out.
46. The failure to investigate ground conditions may potentially undermine the drainage proposals. I note that part (o) of LP policy I4 on sustainable drainage systems specifically requires development layouts to be informed by site specific ground investigations. At the same time, the test to be applied in light of part (g) of LP policy D11 is whether the Gypsy and Traveller site would be capable of being adequately served by sewerage disposal facilities. There is no requirement under this policy nor LP policies I4 and I5 for full details of drainage schemes to be submitted and approved as part of planning applications. My views on this matter are supported by the Inspector for the aforementioned Edgcott appeal, who found that the issues of surface and foul water drainage could be addressed through a planning condition.

47. In this case, even if tests found the ground had no potential for infiltration, there would be sufficient space on the appeal site and on the adjoining land in the appellant's ownership to provide a foul water system that did not rely upon infiltration. For the same reason, I fail to understand how a technical solution to deal with the disposal of surface drainage could not be secured by planning condition, particularly as most of the development would be covered by permeable surfacing. There is no substantive evidence to suggest the site is not capable of being adequately serviced in terms of drainage.
48. The appeal site itself is not subject to any identified risk of flooding. While my attention is brought to a surface water flood route to the south of the site, I am satisfied that a surface water drainage system could be secured through a planning condition that ensures the development would avoid increasing flood risk elsewhere. Therefore, I conclude the development would be acceptable in terms of drainage and flood matters. In these regards, it would accord with LP policies I4 and I5 as well as part (g) of LP policy D11. Amongst other things, these look to ensure development is provided with sufficient drainage so as to prevent pollution and to avoid an increase in flood risk. Acceptability in these regards is a neutral factor in my overall assessment.

Other issues, benefits of the development and planning balance.

49. Due to the conflict identified in respect of the first 2 main issues, the development would not accord with the development plan when read as a whole. It follows to consider whether factors in support justify granting planning permission contrary to the LP.
50. The development would change the appearance and character of the site. However, proposed planting and the retention of existing trees and hedges on the side and rear boundaries would screen the development so it would not be unduly prominent. Also, other nearby residences and buildings are seen from Preston Road and so the presence of mobile homes, caravans, vehicles and amenity buildings would not appear unusual. The provision of 4 pitches would avoid any sense of domination of Gawcott as the nearest settled community, even in light of any cumulative effect when considering Oakhaven Park. Acceptability in these regards is a neutral factor in my assessment rather than a benefit to which I attach positive weight.
51. Under the third main issue I have identified a general need for additional Gypsy and Traveller pitches in the local area. The government's aim to promote more private Gypsy and Travellers sites is included at PPTS paragraph 4(e). The development would help address these local and wider recognised needs. Although 4 pitches would be a modest contribution towards supply, the benefit in these respects still attracts moderate weight.
52. Also, the verbal evidence provided at the hearing indicates the intended occupants of the site require new pitches. As there are no vacant sites elsewhere, refusing planning permission could lead to the residents living on unauthorised or overcrowded sites or by the side of the road. The lack of a suitable settled base could make it more difficult for residents to access education and healthcare facilities. The personal accommodation needs of the occupants therefore attract significant positive weight.
53. Dismissing this appeal could lead to the current occupants having to leave the site and depriving those intended occupants still living at Oakhaven Park of a

place to live. Such a decision could interfere with the occupants' rights to peaceful enjoyment of their possessions and to respect for a private and family life and their home under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998. However, it is noted that these are qualified rights.

54. From the verbal evidence provided on the intended occupiers, I am aware that 1 of the current residents is a child of school age. Little information has been provided on how or where this child is educated. However, it is appropriate to take a precautionary approach and conclude that a settled base at the appeal site would be in the best interests of this child in terms of providing access to education as well as the safety of a secure home. These factors are a primary consideration and in the forefront of my mind in my overall assessment of the appeal. However, they are not determinative of the planning issue.
55. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. This sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not share it. This includes those of a particular race and so the occupants of the development. Granting planning permission for a settled base close to villages would allow the opportunity for the intended occupants to foster good relationships with the local community.
56. Therefore, the benefits of the development are highly significant. However, the identified harm in terms of highway safety and biodiversity is also of considerable weight in the balancing exercise. In particular, the deficiencies of the proposed access would pose an unacceptable risk of harm to road users. Most at risk would be the intended occupiers, including children, who would be reliant on private car travel and frequent users of the unsafe egress. This risk to highway safety and harm to biodiversity are the overriding factors in my assessment. An interference with the intended occupants' human rights would accord with the law and be pursuant of well-established and legitimate aims to avoid prejudicing highway safety and to safeguard biodiversity. Also, the harm caused by the development would outweigh any benefits in terms of advancing the opportunities for Gypsy and Travellers as a group with a protected characteristic. Dismissing the appeal would be a proportionate and necessary response to the PSED.
57. At paragraph 27, the PPTS states that a lack of an up to date 5 year supply of deliverable sites should be a significant material factor when considering applications for a temporary planning permission. Consequently, I have considered whether it would be appropriate to grant planning permission subject to a condition that allows the development temporarily. The parties at the hearing suggested a 4 year period, during which time it is envisaged the LP would be reviewed and there would be a more up to date understanding on how to address the local need for Gypsy and Travellers Sites. A temporary permission would overcome my concerns over the impact on biodiversity as a condition could be imposed that requires the site's restoration and biodiversity value following cessation of the residential use. However, during this 4 year period the risk to highway safety would continue. The harm caused in these regards is the overriding factor that justifies refusing planning permission, even if the development is only allowed for a temporary period.
58. The appellant has referred to several appeal decisions that allow Gypsy and Traveller sites. However, these relate to schemes at other locations and where

different circumstances apply. As such, it would not be inconsistent with these other decisions to conclude that planning permission should be refused.

Conclusion

59. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Philip Brown	Agent for the appellant
Rory Spiller	Highway Consultant
Fred Ball	Appellant
Fred Ball Junior	
James Birch	

FOR THE LOCAL PLANNING AUTHORITY:

Emma Mumby	Senior Planning Officer
Laura Pearson	Team Leader, Development Management
Kate Pearce	Sustainable Drainage Officer
Helen Harding	Planning Policy
Annie Ottaway	Biodiversity Net Gain Officer
Emily Brown	Senior Planning Policy Officer
Matthew Raven	Highways Officer
David Marsh	Highways Officer

LIST OF DOCUMENTS SUBMITTED AT THE HEARING:

1. Appeal decision reference number APP/J0405/W/23/3332664.
2. Transport and Highways Technical Note – The Transport Consultancy, July 2024 (the Highways TN).
3. Letter from Matthew Raven, Highways Development Management, Buckinghamshire Council, dated 7 August 2024 (Highways Officer's response).