



Appeal Decision

Site visit made on 2 December 2024

by Mr Cullum Parker BA(Hons) MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 DECEMBER 2024

Appeal Ref: APP/Y2003/W/24/3345925

Plots 3 & 4 Leys Lane, Winterton, Scunthorpe, DN15 9QT

- 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 John Ward against the decision of North Lincolnshire Council.
 - The application Ref is PA/2023/1026 and was refused on 8 December 2023.
 - The development proposed is The material change of use of land for the stationing of caravans for residential purposes and erection of a dayroom ancillary to that use.
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Decision

1. The appeal is allowed and planning permission is granted for the material change of use of land for the stationing of caravans for residential purposes and erection of a dayroom ancillary to that use. at Plots 3 & 4 Leys Lane, Scunthorpe, DN15 9QT in accordance with the terms of the application, Ref PA/2023/1026, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by the Appellant. This is the subject of a separate decision.

Main Issues

3. Whether the proposal is located within a sustainable location or not.

Reasons

4. The appeal site is not located within the development limits of the settlement of Winterton as defined by the local plan, and therefore for planning policy purposes it is within the countryside. The site is located on the southern edge of Leys Lane, in a cluster of development approximately 0.5km east of Winterton. Leys Lane is a mainly straight and single track lane used to access a number of different buildings along its length between Ermine Street and the B1207; including agricultural and residential buildings.
5. I saw during my site inspection of the area that there is a footpath at the Western end of Leys Lane which leads directly into the settlement of Winterton. This settlement contains a number of day-to-day services, including but not limited to junior and secondary schools, convenience supermarkets, medical practice, pharmacy, public houses, post office, hot food takeaways, and sports clubs. The centre of Winterton (for example located around the Market Street/Church Side triangle near the Co-op Food store) is located about 30 minutes walk or 5 minute drive from the appeal site, with a number of facilities located between these two points.

6. Further afield is the town of Scunthorpe, which provides similar services and facilities such as larger supermarkets, a general hospital and a larger choice of schools. Scunthorpe General Hospital is around 20 minutes' drive from the site. Put another way, the context of the appeal site is that it is located a short distance; both in numeric terms and in travel time, from day-to-day services that occupiers may wish to use. These are services which could be accessed not only by private motor transport, but also using bus routes along the B1207, and/or walking along the grass verges on Leys Lane to gain access to the footpath along the B1207 directly into the centre of Winterton.
7. I note the Council's observations in terms of highway safety¹ and pedestrian access, which could have been expressed more clearly in the reason for refusal. I agree that an ideal scenario could include some form of hardstanding pavement for pedestrians running continuously from the site to local services. However, the reality in rural areas is that such provisions are not present until reaching the very edges of settlement, if at all. Nonetheless, in this case there would be a short distance for pedestrians to walk along a fairly quiet straight country lane with large grass verges before connecting to the footpath on the B1207 leading into Winterton. Furthermore, it is unlikely that a single pitch is likely to lead to significant traffic movements into and out of the appeal site which would be of noticeable danger to other road users.
8. Given the proximity to local services, and the ability to access them via a number of private and public transport modes, I am content that the proposal in this instance would represent a sustainable form of development.
9. Policy CS10 of the Core Strategy (CS) sets out that the Council will identify Gypsy and Traveller sites to meet demand between 2007 and 2016. There is a consensus between the main parties² that the Local Planning Authority can not demonstrate a five-year supply of deliverable Gypsy and Traveller pitches / sites at the current time.
10. The *North Lincolnshire Gypsy and Traveller Accommodation Assessment* (GTAA) was last updated in 2021³ and identified a need for 17 permanent residential pitches at that point. However, at the time of the appeal statements being submitted this identified need has still not been met through the local plan process, although there is a draft policy pertaining to a proposed site on Mill Lane. However, there is little evidence as to how this identified need from 2021 has changed, nor is there any clear indication when the draft local plan will be adopted to ensure the delivery of gypsy and traveller pitches within the local area
11. As such, I can only come to a conclusion that there is currently an unmet need in the area, for which the proposal would make a modest contribution of one pitch. Accordingly, I afford this modest weight in favour of the proposal.
12. Returning to Policy CS10 of the CS, it provides a set of considerations which would be taken into account to designate sites. This is a useful list setting out the various criteria that sites need to adhere to in order to be allocated, were the Council allocating sites. This includes that the site has safe and convenient vehicular and pedestrian access, that it is near to existing

¹ See Paragraph 6.18, *LPA's Statement of Case*

² See Paragraph 5.6, *LPA's Statement of Case*, and page 63, Paragraph 182 *Appeal Statement on Behalf of the Appellant June 2024*.

³ See Paragraph 6.12, *LPA's Statement of Case*

settlements with access to local services, including shops, schools and healthcare, and be large enough to provide adequate on site facilities for parking, storage, play and residential amenity.

13. In this case, the site is located within walking distance of both public transport links and also day to day services including shops, schools and healthcare facilities in Winterton. In terms of site layout, the submitted drawings (003 Rev P01) show adequate space within the site for the stationing of a mobile home, touring caravan, dayroom and area for vehicles to turn and move within the site. Furthermore, although there is a hierarchy of the type of sites that would be considered, the policy does not rule out or exclude those in rural areas. Accordingly, I find that the proposal would accord with the broad parameters that Policy CS10 sets out sites should achieve.
14. I note that the Council raises the point regarding the *Planning Policy for Traveller Sites 2023* (PPTS) that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements (under Paragraph 25). However, the same policy document sets out that Policy C of the PPTS when assessing the suitability of sites in rural or semi-rural settings local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Given the submitted drawings show a single dayroom, touring caravan and mobile home on the site, I do not consider that the scale of the proposal would dominate the nearest settled community.
15. Furthermore, Paragraph 25 of the PPTS goes on to state that local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure. Given the scale of development proposed for one pitch and the absence of any evidence from the local planning authority that there would be pressure on local infrastructure, I can only come to the conclusion that the proposal would accord with this part of the PPTS.
16. In terms of Policy RD2 of the Local Plan, which relates to development in the open countryside, I acknowledge that there would be a technical breach of this policy. This is because the proposal would not fall into any of the criteria where permission will 'only be granted'. However, as also considered above, the local planning authority have failed to allocate sufficient pitches against its own assessment of need. Moreover, as considered above, I have carefully considered the criteria that the local planning authority would use to allocate sites as expressed in adopted Policy CS10 of the CS, and found that the proposal would accord with those.
17. Accordingly, I find that the proposal would accord with Policies CS1, CS2, CS3 and CS10 of the Core Strategy, which seek the aforesaid aims.

Other Matters

18. Concerns have been raised by other interested parties. I now consider these before considering what planning conditions might be imposed and coming to an overall conclusion.
19. In terms of the application seeking 39 spaces for travellers, it is clear that the submitted drawings seek only one pitch. Whilst I note the point that the allowing of one pitch may lead to a proliferation of other pitches, there is little

evidence before me that this is the case in this instance. Furthermore, should there be any desire to seek further pitches in the future on or near the appeal site or near to the settlement of Winterton, then that would require the developer to seek the appropriate permissions.

20. In terms of the potential pressures on local services, I have not been provided with any objections or concerns from local providers such as schools or healthcare services which indicate that a single pitch would have an adverse effect on the provision of such services.
21. In terms of foul and/or surface water drainage raised by the Town Council, there is a soakaway shown on the submitted drawings. Furthermore, it would be possible to use a suitably worded planning condition to require further details so as to mitigate any such impacts. I note the points made in terms of wild animals and birds that may use the appeal site presently. However, I have not been provided with any substantive evidence of what species, including protected species, may exist on the appeal site. Even using the precautionary principle in the absence of such site specific information I cannot afford this factor any weight against the proposal.
22. In terms the intensity of use proposed and the aesthetics of a touring caravan and mobile home being stationed on the land, I note the concerns. However, it would be possible to utilise features such as the existing hedge along the western edge of the site and use a planning condition to ensure that the site is adequately landscaped. This, through the use of indigenous species could also have the benefit of supporting biodiversity in the area.
23. Taking into account all matters raised by interested parties, I do not find, whether considered individually or cumulatively, they provide justification for the dismissal of the appeal scheme.

Conditions

24. A number of conditions have been proposed by the Council. I have considered these in light of Paragraph 56 of the *National Planning Policy Framework* (the Framework) and the national Planning Practice Guidance and the use of planning conditions.
25. Conditions relating to the permission being implemented within three years and in accordance with the submitted drawings are necessary and reasonable in order to provide certainty.
26. The suggested condition relating to surface water drainage is overly prescriptive and onerous. I have therefore reworded it using that suggested by the Appellant which would still achieve the same aim of a surface water drainage scheme being submitted and approved before development takes place.
27. Similarly, suggested condition 4 could be reworded to reflect the changes in condition 3. In both cases, such conditions are necessary and reasonable in order to ensure that the site is adequately drained.
28. A condition relating to land contamination is not necessary in this case. This is because there is no evidence before me that indicates that the site has been used for the storage of such materials or such materials have been used on the land.

29. A condition restricting the number and type of caravans and other structures on the site is reasonable in order to ensure that the site is used as proposed. However, this should omit the second part whereby it is suggested that an increase in the numbers could be approved by the local planning authority. This would be unreasonable as the submitted drawings clearly show the numbers sought and any increase would require a separate assessment of any impacts.
30. Conditions that occupiers shall only be those defined as Gypsy or Traveller as defined by the PPTS, and that there shall be no overnight accommodation use of the day room are necessary, reasonable and related to the development proposed. This is because it is the specific circumstances in this case, as detailed above in terms of factors such as unmet need, which justify this proposal in the countryside.
31. Lastly, as considered above, conditions in terms of landscaping scheme and its implementation would mitigate any visual impacts on the local area and has the potential to support and encourage local biodiversity.

Conclusion

32. The proposal would constitute a sustainable development in the countryside when considered in light of access and proximity to local services, and the scale of the development proposed. Whilst there would be some conflict with Policy RD2 of the Local Plan, the proposal would accord with Policies CS1, CS2, CS3 and CS10 of the CS. As such, when considered as a whole, I find that the proposal would accord with the adopted development plan for the area. Moreover, the proposal would accord with national policies, and in particular those set out in the PPTS and the Framework.
33. For the reasons given above the appeal should be allowed.

C Parker

INSPECTOR

Schedule of conditions

1. Development must be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan – Dwg No. 001 rev P01
 - Proposed Site Plan – Dwg No. 003 rev P01
 - Proposed Plans and Elevations – Dwg No. 005 rev P01
3. No development shall take place until a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority.
4. The drainage scheme shall be implemented in accordance with the approved submitted details and shall be completed prior to the occupation of the site. Thereafter it shall be retained and maintained in accordance with the approved scheme for the life of the development.
5. The hereby approved development is for the use of the site for one mobile home, one touring caravan and the erection of one utility / day room only as shown on the submitted drawings.
6. The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependant's educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
7. No overnight accommodation shall be permitted within the hereby approved utility / day room as shown on Proposed Site Plan – Dwg No. 003 rev P01.
8. No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

***** END OF CONDITIONS *****