



Appeal Decision

Site visit made on 9 December 2024

by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Reference: APP/W3005/W/24/3349617

East of A611, Off Roberts Lane, Hucknall, NG15 6LW

- 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 A Connors against the decision of Ashfield District Council.
 - The application Reference is V/2023/0655.
 - The development proposed is a 'Single Pitch Traveller Site'.
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Decision

1. The appeal is allowed and planning permission is granted for a 'Single Pitch Traveller Site' at East of A611, Off Roberts Lane, Hucknall, NG15 6LW in accordance with the terms of the application, Reference V/2023/0655, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on highway safety and on the natural environment.

Reasons

Highway Safety

3. The appeal site is currently served by a single width private road (variously described as a private drive/track) which lacks passing places and turning facilities beyond the school. The road serves six existing dwellings and work has commenced on the erection of a further four bungalows. The Council confirms that the approved plans provide for improvements to the road, including a turning head and passing places.
4. Although these works are yet to be fulfilled, it is apparent that the views of the Highway Authority, in opposing the proposed development, pre-date the current works in constructing the approved bungalows. As such, they have been overtaken by events and the realistic probability of improvements coming to fruition.
5. The Council's assertion that the passing and turning facilities to be provided would not be available for the appeal proposal lacks credibility as there is nothing to suggest that the works would be for the sole benefit of the new bungalows. The further suggestion that any turning or passing vehicles would block the entrance to these properties, and have an impact on their occupants, overlooks the transitory and temporary nature of any potential inconvenience.

6. Turning to the claimed lack of forward visibility along the road, due to existing trees and hedgerows, and whilst accepting the limitation of my visit during December, intervisibility is available along the full length of the road. Thus, there is nothing that leads me to believe that vegetation is likely to be a material impediment to the safety of persons using the road.¹
7. The concern about the potential conflict in the vicinity of the school entrance, especially at pick up and drop off times, has to be considered in the context of the likely effects of one additional residential unit over and above the ten that would eventually exist along the road. In my opinion, this would not amount to a material increase in potential dangers.
8. Overall, I am satisfied that the proposal would not have an adverse effect on highway safety and there would be no conflict with saved Policy ST1 b) and c) of the Ashfield Local Plan Review (2002).

Natural Environment

9. The issue here is whether sufficient information has been submitted to fully assess the impact of the proposal. The Preliminary Ecological Appraisal is dated March 2023 and remains valid in line with CIEEM² best practice guidelines. However, I note that the survey was not undertaken within the optimal habitat survey period.
10. In this regard, a competent Appraisal should identify all likely ecological constraints, any mitigation, additional survey requirements and opportunities to deliver ecological enhancement. The scope of such an assessment depends on the nature of the development and the types of habitats and species that are likely to be affected.
11. The appeal site is a largely open parcel of rough grassland with scattered trees along its southern boundary, a length of hedgerow along the northern boundary and small stands of scrub. It does not carry any formal designation.
12. The submitted site layout seeks to position the static caravan away from the northern and southern boundaries of the site and to provide additional tree planting along the southern boundary. There is nothing in the Preliminary Ecological Appraisal to suggest, subject to the agreed retention of important landscape features, supplementary landscaping and measures to safeguard species and habitats, that the proposed use would be incompatible with the natural environment.
13. From the foregoing, I am satisfied that there is sufficient information before me to conclude that the proposal, subject to safeguarding conditions, would not have an adverse effect on the natural environment.

Other Matters

14. I have had regard to the principal representations made by interested persons in my consideration of the main issues. Any development beyond that permitted in the proposal before me would require planning permission. Concerns about land ownership, and the ability to deliver a static caravan to the site, are a matter for the Appellant to resolve.

¹ I note from a letter of representation that it is said that the Council send out letters each year for residents to trim back hedges for refuse lorry access

² Institute of Ecology and Environmental Management

15. The issue of infrastructure, drainage, local services and facilities rests in common with all other residential development in the immediate locality. Accusations of a stereotypical nature lack materiality, and I am satisfied that a single pitch site, in the location proposed, would not be in conflict with the wider residential neighbourhood.
16. In terms of the development plan, saved Policy HG9 indicates that outside the Green Belt, proposals for Gypsy Caravan Sites will be permitted subject to five criteria including criterion a) that a need for a site is established.
17. Although the Local Planning Authority states that there is no need for additional pitches in the District at the present time, it acknowledges that this does not preclude further pitches in acceptable locations from coming forward for consideration. Although local representations question the accessibility of the site to community services and facilities (criterion b)), the Local Authority identify no material conflict with either this criterion or with the remaining criteria (criteria c) – e)).
18. The Authority accepts that the Appellant meets the planning policy definition of 'Gypsies and Travellers'. There is no dispute that the Appellant, his wife and three children of school age have no permanent base and have to resort to living on the roadside or staying with family members.
19. The Government's Planning policy for traveller sites indicates that when considering applications, Local Planning Authorities should consider, amongst other things, the availability (or lack) of alternative accommodation for the applicant and other personal circumstances.
20. Having regard to the above, I am satisfied that the proposal would be in accordance with saved Policy HG9.
21. In light of my findings on the two main issues, the proposal would be in accordance with the development plan when read as a whole. There are no other material considerations, including the emerging local plan, which lead me to determine the appeal other than in accordance with the development plan. I shall therefore allow the appeal.

Conditions

22. Looking at the conditions suggested by the Local Planning Authority, the standard time condition in which the development is to commence is to be imposed. [Condition 1]
23. The relevant site location plan, and a restriction on the number of caravans (as defined) to be sited on the land are to be specified for certainty. [Conditions 2 and 3]
24. Although the block plan shows the layout of the site, and the intended siting of the caravans, I will require these to be the subject of further agreement in light of the additional details required in relation to tree protection, landscaping and measures to safeguard and enhance natural habitats. [Condition 4]
25. There is no need to require compliance with the elevations or floor plan of the static caravan in view of the definition of a caravan.

26. Noting that the Local Planning Authority has not sought to restrict the development to 'Gypsies and Travellers', the Appellant has indicated acceptance of such a condition. This will meet either personal or general needs which I endorse. [Condition 5]
27. The Design and Access Statement indicates that parking space will be required for a pick-up truck and car. I shall limit the former to no more than 3.5 tonnes for clarity and to safeguard neighbouring living conditions. [Condition 6]
28. A landscaping condition, in two parts, is necessary to safeguard and enhance the appearance of the site and its biodiversity value. The provision of the approved parking and turning facilities, and drainage details, will also be required to ensure appropriate provision within the site. [Conditions 7 - 9]
29. Conditions reflecting the recommendations in the Preliminary Ecological Appraisal, and based on those sought by the Local Planning Authority, are also imposed to safeguard established landscape features and to protect and enhance the natural environment. [Conditions 10 - 12]

Conclusion

30. For the reasons given above the appeal is to be allowed.

David MH Rose

Inspector

Schedule of Planning Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plan:
 - Site Location Plan (received by Local Planning Authority on 31/01/2024).
- 3) There shall be no more than one pitch on the site, and no more than two 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 one caravan shall be a static caravan.
- 4) Notwithstanding the submitted details, no caravan as defined shall be brought onto the site until details of its intended siting has been submitted to and approved in writing by the Local Planning Authority. The caravan(s) shall only be positioned in the approved location(s).
- 5) 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 dependants' 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.
- 6) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

- 7) No development shall commence until a scheme of hard and soft landscaping, including the location, layout and construction of the vehicle parking and turning facilities, 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.

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 development first being brought into use; and any trees or plants which within a period of 5 years thereafter die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 8) The development hereby permitted shall not be occupied until the vehicle parking and turning facilities have been provided in accordance with the details as may be approved under condition 7 above. Thereafter those spaces shall be retained for the parking and turning of vehicles only.
- 9) The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 10) The development hereby permitted shall not commence until an arboricultural report, method statement and tree protection plan has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 11) The development hereby permitted shall not commence until details of the proposed treatment of the site boundaries, incorporating a continuous pathway in which hedgehogs and other small mammals can move through the site, have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented in accordance with the approved details before the development is brought into use, and thereafter retained as such.
- 12) The development hereby permitted shall not commence until an ecological impact assessment for the site, and timetable for any works, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and thereafter retained as such.

END OF SCHEDULE