



Appeal Decisions

Hearing Held on 16 May 2023

Site visit made on 16 May 2023

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2025

Appeal Ref: APP/V3120/C/23/3314399

Land known as Lakeview, Baulking Lane, Oxfordshire SN7 8NR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Brian Fury against an enforcement notice issued by Vale of White Horse District Council.
 - The enforcement notice, numbered VE22/126(B), was issued on 30 November 2022.
 - The breach of planning control as alleged in the notice is, without planning permission the undertaking of building, engineering and other operations on the Land comprising:
 - (i) the laying of a hardcore access and hardstanding area; (ii) the laying of concrete bases; (iii) the installation of a septic tank; (iv) the erection of seven outbuildings comprising a day room, sheds and animal enclosures.
 - The requirements of the notice are:
 - i. Break up the concrete bases.
 - ii. Did up the hardcore access and hardstanding areas.
 - iii. Dig up the septic tank.
 - iv. Demolish or dismantle all outbuildings.
 - v. Permanently remove from the Land all materials resulting from steps (i), (ii), (iii) and (iv)
 - vi. Deposit and spread clean topsoil on all areas of the Land disturbed as a result of steps (i), (ii), (iii), (iv) and (v) and grade the deposited clean topsoil to levels and a fall commensurate with immediately adjoining undisturbed lands.
 - vii. Sow all areas of the Land disturbed as a result of steps (i), (ii), (iii), (iv) and (v) with an MG5 meadow grass mix.
 - The period for compliance with the requirements is 12 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f) and (g) of the 1990 Act as amended. Since the prescribed fees have been paid within the specified period, an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.
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Appeal Ref: APP/V3120/C/23/3314401

Land known as Lakeview, Baulking Lane, Oxfordshire SN7 8NR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Brian Fury against an enforcement notice issued by Vale of White Horse District Council.
- The enforcement notice, numbered VE22/126(A), was issued on 30 November 2022.
- The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the Land from agriculture, to a caravan site by the stationing of a mobile home (in the approximate location shown coloured purple on the Plan attached to the notice) and touring caravan for residential use by persons claiming Gypsy and traveller status.
- The requirements of the notice are:

- i. Stop using the Land for residential caravan site purposes.
 - ii. Permanently remove from the Land the mobile home and touring caravan.
 - iii. Permanently remove from the Land all chattels and paraphernalia related to the use of the Land for residential purposes.
 - The period for compliance with the requirements is 12 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the 1990 Act as amended. Since the prescribed fees have been paid within the specified period, an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act as amended.
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Appeal Ref: APP/V3120/W/23/3314402
Lakeview, Baulking Lane, Oxfordshire SN7 8NR

- 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 Brian Fury against the decision of Vale of White Horse District Council.
 - The application Ref P22/V1042/FUL, dated 26 April 2022, was refused by notice dated 6 October 2022.
 - The development proposed is for the change of use of land to residential, for one Gypsy Traveller family. The development to comprise one static caravan, one touring caravan, parking for two vehicles, associated hardstanding and infrastructure (retrospective).
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Summary Decisions:

Appeal A is allowed in the terms set out in the Formal Decision below.

Appeal B is allowed in the terms set out in the Formal Decision below.

Appeal C is allowed and a temporary permission is granted.

Procedural Matters

1. The Hearing was into a total of three appeals: against an Enforcement Notice alleging a material change of use of the land (Notice A); against an Enforcement Notice alleging operational development on the land (Notice B); and against the refusal of planning permission. In this situation, it is the convention that the enforcement appeals are taken as the lead appeals. I will therefore refer to the appeal against Notice A as Appeal A, the appeal against Notice B as Appeal B, and the appeal against the refusal of planning permission as Appeal C.
2. I made an accompanied site visit on 16 May 2023. As indicated at the Hearing, I then made an unaccompanied site visit on the following day, on which I viewed the appeal site and surroundings from various public footpaths in the area. I also walked from the entrance of the appeal site in Baulking Lane to Uffington and back, specifically to the convenience store and primary school there.
3. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". This was a re-branding in name only and has no effect on the policy in relation to those areas as set out in the National Planning Policy Framework (Framework) and elsewhere.
4. The effect of the development on the area of National Landscape to the south and south-west of the appeal site formed no part of the reasons for issuing the enforcement notices (Appeals A and B) or the reason for refusing planning

permission (Appeal C). The issue was, however, raised by the Council at the Hearing and a discussion ensued. Given that the point is closely associated with the character and appearance of the area, an issue that did form part of the reasons for issuing the enforcement notices and the refusal of planning permission, it was incumbent upon me to hear that evidence. I am satisfied that discussing the matter at the Hearing enabled both parties to fully express their views and that no injustice was caused.

5. On 19 December 2023, the Government indicated that following the judgement in the Court of Appeal in the case of *Smith v SSLUHC & Others*, with effect from 19 December 2023 it would revert to the definition of Gypsies and Travellers used in the Planning Policy for Travellers Sites (PPTS) to that adopted in 2012. Given that this was not the position at the time of the Hearing, the parties were afforded the opportunity to comment. I have taken the comments received into account.
6. The revised Framework and the revised PPTS were both published on 12 December 2024. I again invited the appellant and the Council to comment on the changes made in these two documents in writing. I have taken any comments made into account. Any reference to these documents in my Decision should be taken to be in relation to the 2024 version, unless specifically stated.
7. In any event, there is no dispute that the appellant and other occupiers of the land follow a nomadic habit of life and meet the definition of Gypsies and Travellers used in the PPTS.

Appeals A and B: the Enforcement Notices

8. In a letter dated 26 May 2023, and having undertaken a number of measurements in connection with proposed biodiversity improvements, the appellant expressed the opinion that the enforcement notices did not cover the full extent of the site. In his view, that means that the "outbuildings" in the corner of the site are beyond the extent of Notice B and so cannot be required to be removed.
9. The appellant's views are predicated on the assumption that the lines shown on the Ordnance Survey correspond to the boundaries of his property. The Council notes that the appeal site was created as part of a subdivision of a larger agricultural holding into 6 smaller plots. It points out that the Land Registry Plan clearly shows the boundaries of the appellant's property to be somewhat smaller than the boundaries of the paddocks that previously existed and as shown on the Ordnance Survey. On that basis, the Council is satisfied that the red edged area shown on plan attached to Notice B accurately reflects the boundaries of the appeal site. That plan also corresponds to the Land Registry Plan. The Council therefore maintain that the building and engineering operations shown on the Plan attached to Notice B, being within the red edged area, are fully captured by the requirements of the notice.
10. I am not persuaded that the appellant is correct in his assertion about the extent of site covered by the enforcement notices. The explanation set out by the Council is logical and in, my view, is to be preferred. I am therefore satisfied that Notice B can require the removal of the operational development and engineering operations alleged.

11. The same correspondence raised a further point, namely that in the appellant's view, the mobile unit in the centre of the site also referred to as an "outbuilding" is referred to in Notice B is not a building and therefore cannot be required to be removed. However, this is a point that more properly falls to be considered under ground (c): namely, that, in respect of any breach of planning control that may be constituted by the matters stated in the notice, those matters do not constitute a breach of planning control. This is considered below.
12. The requirements at paragraphs 5 (ii) and 5(iii) of Notice A and paragraph 5(v) of Notice B each include the word 'permanently'. Having regard to the provisions of Section 181(1) of the 1990 Act, which states that compliance with an enforcement notice shall not discharge that notice, the word 'permanently' is unnecessary and inappropriate. In other circumstances I would have varied the notices by delete the word 'permanently' from each of those requirements. However, since the notices will be quashed, there is no merit in doing so.

Appeal C: the planning application

13. I have taken the description the development proposed in the header above from the application form. However, it would be more accurate to describe the proposed development as the stationing of caravan(s) for residential use by one Gypsy Traveller family. I am satisfied that I can amend that description without prejudice to any party.

Appeal B: the appeal on ground (c)

14. An appeal on this ground is one of the 'legal' grounds of appeal, in which the burden of proof is on the appellant to show, on the balance of probability, that the matters alleged in the notice do not constitute a breach of planning control.
15. The meaning of development for the purposes of the 1990 Act is defined at Section 55(1) of that Act as meaning:
...the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any building or other land.
16. The courts have held that the three primary factors that are decisive in determining what constitutes a building are (a) size: (b) permanence and (c) physical attachment.
17. The mobile unit in the centre of the site (the day room) is not physically attached to the base on which it sits. Nevertheless, it rests by its own weight and there no need for it be physically attached. It is capable of being moved but, by reason of its size, that would not be an easy proposition. In practice, there appears to be no intention to move it. This connotes a degree of permanence. In that context, the courts have held that 'permanence' does not necessarily connote that the state of affairs is to continue forever or indefinitely.
18. I consider that, as a matter of fact and degree, by reason of its size and degree of permanence the day room does constitute a building. The approach of the courts in construing the definitions in section 55(1) has been to ask first whether what has been done has resulted in the erection of a 'building': if so, the court should want a great deal of persuading that the erection of it had not

amounted to a building or other operations. Adopting that approach, I conclude that the siting of the mobile unit (day room) constitutes a building operation and, as such, constitutes development for the purposes of section 55(1) of the 1990 Act.

19. Section 57 of the 1990 Act states that planning permission is required for development. There is no permission in place, deemed or otherwise, for the mobile unit (day room). I therefore conclude that, on the balance of probability, the siting of this building constitutes a breach of planning control. Accordingly, the appeal on ground (c) fails.

Appeals A and B: the appeals on ground (a) and the deemed planning applications, and Appeal C

20. The ground of appeal is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. The Council has stated substantive reasons for issuing the enforcement notice, from which the following main issues are raised:

- whether the stationing of caravans for residential use is appropriate in this location
- the effect of the development, if any, on the character and appearance of the area
- whether the development has resulted in a net loss of biodiversity
- whether the development effects the future extraction of the nearby reserves of minerals, specifically Fullers Earth

Appeal C raises the same main issues.

Whether the stationing of caravans for residential use is appropriate in this location

21. There are two elements to this main issue: whether the appeal site provides adequate accessibility to services by foot, by cycle or by public transport and whether the appeal site is isolated. It is convenient to consider these elements separately in the first instance.

Whether the appeal site provides adequate accessibility to services by foot, by cycle or by public transport

22. The appeal site is situated approximately 0.7mile (1.13km) away from the small rural hamlet of Baulking, whether by car or on foot. The hamlet of Baulking provides no services or facilities. There is a bus stop there, but I understand that it is not currently served by any bus routes.
23. Policy CP3 of the Vale of White Horse Local Plan 2031 - Part 1 (Local Plan Part 1) sets out a hierarchy of settlements in the District, in which varying degrees of new development are considered by the Council to be acceptable. The hamlet of Baulking is not included in the hierarchy of settlements identified in Policy CP3 of the Local Plan. In accordance with Policy C3, it must therefore be considered to be in the countryside.
24. The closest settlement to the appeal site that does provide facilities is Uffington, which is defined as a Larger Village in Policy C3 of the Local Plan Part

- 1 and which is approximately 1.9miles (3.0km) from the appeal site by car or on foot. The facilities provided in Uffington are a school (2.19miles, or 3.52km), a post office and a general store. I am advised that the commercial bus service in Uffington was withdrawn in July 2016, such that there is no public transport connection from the village to a wider range of services such as doctors, dentists or secondary schools.
25. The document 'Providing for Journeys on Foot' published by the Chartered Institute of Highway and Transport sets out desirable, acceptable and preferred maximum distances for walking. The appeal site falls within the 'Elsewhere' category for the purposes of that document. The desirable, acceptable and preferred maximum walking distances for locations in the 'Elsewhere' category is 400m, 800m and 1,200m respectively. The distances to the nearest services at Uffington are therefore considerably beyond the desirable, acceptable and preferred maximum walking distances, as outlined in 'Providing for Journeys on Foot'. I recognise that the document was published in 2000 and is therefore more than 20 years old now. Nevertheless, the physical characteristics of walking have not changed in that period and I therefore attach considerable weight to that document in terms of the walking distances advocated.
 26. The deterrent to walking posed by the distance to the nearest facilities is exacerbated by the pedestrian environment encountered. The road to Uffington is unlit with no footways. There is a pinch point on the bridge crossing the railway line and the road has a 60mph speed limit. These factors combine to make an unattractive and indeed inhospitable pedestrian environment, particularly at night, in inclement weather, when carrying heavy shopping, when pushing a pushchair or wheelchair and when accompanied by young children. This was reinforced by my unaccompanied site visit which, even though in daylight and in good weather, nevertheless revealed the reality of walking along that road.
 27. The appellant did explain that they do on occasion walk to the school with the children, and to the general store in Uffington (sometimes as a combined trip). There are also nearby public footpaths which offer a safer and more attractive alternative to walking along the main road, but these are unsurfaced cross-country routes. These footpaths would therefore be difficult to traverse in the winter months and during the hours of darkness. Consequently, in my view, relying on walking to the services available in Uffington is not a viable option on a day-to-day basis. Similarly, whilst the distance would be less of an obstacle on bicycle, that mode of transport would encounter similar issues and would also not be a viable option for school and/or combined trips on a day-to-day basis.
 28. The next nearest settlement offering services is Stanford-in-the-Vale which, at approximately 2.6 miles (4.18km) by car or on foot, is further away from the appeal site than Uffington. Stanford-in-the-Vale is defined as a Larger Village in Policy C3 of the Local Plan Part 1. That village has the benefit of being served by a bus, but this offers only a limited service to Wantage or Faringdon. To reach the doctors surgery in either of those places from the appeal site first requires a walk of some of 2.48 miles (3.99km) with 0.84 miles (1.35km) of the walk along the A417. In my view, this is not within a comfortable walking distance from the appeal site and, in part, the route is not an attractive pedestrian environment where it is along a main road.

29. I therefore consider it highly unlikely that the appellant or his family would walk or cycle to either Uffington or Stanford-in the Vale on a regular basis for day-to-day activities. There is no option to use public transport. The appellant accepts this but considers that, although occupants of the appeal site are likely to be reliant on the use of private motor vehicles, they would have reasonable access to a wide range of facilities within a short travelling distance. The appellant also points out Gypsy and Traveller sites will inevitably be located away from settlements, and that the appellant's nomadic lifestyle involves travelling for both economic and other purposes in any event.
30. The PPTS considers sustainability in the round. Paragraphs 14 and 26 the PPTS implicitly accept that traveller sites may be located in rural areas when this will lessen opportunities for sustainable travel. Paragraph 13 of the PPTS indicates that local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally, having regard to a range of factors (a to h inclusive) set out in that paragraph. Those factors include promoting access to appropriate health services (Criteria b) and ensuring that children can attend school on a regular basis (Criteria c).
31. I am satisfied that the location of the appeal site meets both the criteria (b) and (c) as set out in Paragraph 13 of the PPTS, albeit that the school and doctor's surgery are not close by. The salient point, however, is that in order to reach those facilities, and also to meet other day-of-day needs, it is more likely than not that the occupiers of the appeal site would require the use of a car. That is a consideration that needs to be weighed in the overall balance, together the benefit arising through the provision of a settled base from which the access those facilities in terms of reducing both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment.
32. On balance, taking into account Paragraph 13 of the PPTS, I conclude that the appeal site does not provide adequate accessibility to service by foot, by cycle or by public transport.

Whether the appeal site is isolated

33. Paragraph 84 of the Framework indicates that the development of isolated homes in the countryside should be avoided unless one or more of the circumstances set out in that paragraph apply. I am satisfied that none of the circumstances set out in that paragraph apply in this case.
34. The word 'isolated' is not defined in the Framework. However, the courts have held that "isolated" should be given its ordinary objective meaning of "far away from other places, buildings or people; remote" (Oxford Concise English Dictionary). The courts also found that the immediate context is the distinction in the Framework between "rural communities", "settlements" and "villages" on the one hand, and "the countryside" on the other. This suggests that "isolated homes in the countryside" are not in communities and settlements and so the distinction between the two is primarily spatial/physically.
35. In this case, the nearest settlement is the rural hamlet of Baulking. This is approximately 0.7mile (1.13km) away from the appeal site, and is separated from it by a lake and open fields. The separation from the appeal site is therefore both spatial and physical.

36. I therefore conclude that as a matter of fact and degree the appeal site is isolated for the purposes of Paragraph 84 of the Framework. It is accordingly in a location in which new homes should be avoided.

Conclusion on this main issue

37. I find that the appeal site is in a location that does not provide adequate accessibility to services and is in an isolated location for the purposes of Paragraph 84 of the Framework. I conclude overall that the stationing of caravans for residential use is not appropriate in this location. I therefore conclude that the development is contrary to Policies CP1, CP3, CP4, CP25 and CP27 of the of the Local Plan Part 1; Policies DP6 and DP12 of the Vale of White Horse Local Plan 2031 - Part 2 (Local Plan Part 2) and Policies H2B and H3 of the Uffington and Baulking Neighbourhood Plan (Neighbourhood Plan). These polies seek to ensure, amongst other things, that the majority of new housing development is focused on the existing hierarch of settlements, where there is better access to services and public transport links, and that Gypsy and Traveller sites are within a reasonable walking distance of key local services and public transport.
38. The appeal site is also within open countryside. Paragraph 26 of the PPTS indicates that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

Character and Appearance

39. The appeal site is situated within the Upper Vale Farmland landscape character type within the Bourton to Garford Upper Vale Farmland landscape character area, as defined in the Vale of White Horse Landscape Character Assessment 2017. The key characteristic of this landscape type include predominantly well maintained farmland, with a pattern of varying size arable fields, and areas of grazed pasture. The area is lightly settled generally, but includes an even spread of scattered settlements, with scattered farmsteads elsewhere. Tree cover provides enclosure and aids the sense of peace and tranquillity in some parts of the area, albeit human influence, including settlement and transport corridors, often reduces the sense of remoteness across the area. In that context, the West Coast Main Line, which runs to the south of the appeal site and which is a prominent feature from Baulking Lane, is not visible from the appeal site itself.
40. The Landscape Capacity Study commissioned in 2017 to inform the then emerging Neighbourhood Plan found this landscape to have a medium-low capacity to accommodate development. The Study indicates that the capacity of landscapes in that category to accommodate development is limited to situations that have regard to the setting and form of the existing settlement and surrounding landscape character.
41. The area surrounding the appeal site comprises attractive countryside, with a network of public footpaths criss-crossing the area and Baulking Lake providing a distinctive feature. The latter has been designated as the Baulking Quarry Local Wildlife Site (LWS) for the presence of priority habitats and its ornithological interest. The footpaths and bridleways in the area are evidently well used, and I encountered several walkers (including dog walkers) and horse riders during my site visits.

42. Different landscapes are valued by different people for different reasons. The landscape surrounding the appeal site clearly has recreational value and perceptual value in terms of tranquillity. But, in my opinion, the outstanding contribution made by this landscape is that it is definitive of the Vale of White Horse. In no small part, this is due to the presence of the escarpment of the North Wessex Downs, which forms a strong topographical backdrop to this landscape and which hosts the landscape feature from which the Vale of White Horse gets its name. This landscape is therefore outstanding in relation to recognised factors such as scenic quality, rarity and representativeness.
43. For those reasons, I concur with the Council that the landscape has qualities which take it out of the ordinary and elevate it to more than mere countryside, such that it should be regarded as a valued landscape for the purposes of Paragraph 187 of the Framework. In reaching that conclusion, I have regard to the guidance in the Technical Guidance Note 02-21: Assessing Landscape Value Outside National Designations.
44. The area surrounding the appeal site exhibits many of the key characteristics of the Upper Vale Farmland landscape character type. In particular, the area is lightly settled and comprises generally well-maintained farmland. Built development is relatively scarce, and where it does occur is typically in form of isolated farmsteads and associated agricultural buildings. Caravans, in any form, do not form an established part of the character of the area. The presence of the fishing lake is unusual in the wider landscape and, as well as being an attractive feature in its own right, provides a sense of distinctiveness to the locality.
45. The site has a long history of the working of minerals dating back to the mid 1970's. The working of land for minerals ceased in or around December 2000 and the land was subsequently restored to a condition suitable for agriculture. Aerial photographs taken between 2004 and 2015, and the sales brochure for the site produced in 2018, show that the appeal site was successfully restored to semi-improved grassland. I have taken the condition of the site at that time, and the contribution that it made to the wider landscape, as the baseline for my assessment of this issue.
46. The introduction of a caravan(s) for residential purposes into that baseline position is wholly out of keeping with the character of the Upper Vale Farmland landscape character type and therefore the landscape in which the appeal site is located. The harm caused derives not only in visual terms but also in terms of the loss of tranquillity through the activity associated with a residential use. Those harms are exacerbated by the operational development associated with the residential use, including the day room and other outbuildings and the area of hardstanding. The conglomeration of those outbuildings, together with the static caravan, has an urbanising impact that is wholly out of keeping with the surrounding area. The landscape does not have the capacity to accommodate this change.
47. The harm caused is visible from several of the footpaths that criss-cross the landscape. In particular, the caravan and outbuildings on the appeal site are prominent from the public footpath that runs alongside the fishing lake (LWS). These include long-distance views across the lake from its west bank and close-quarter views where the footpath runs immediately to the west of the appeal site. In those views, by reason of their size and appearance, the static caravan

and outbuildings detract from the landscape quality of the lake and therefore its distinctiveness in this landscape.

48. Long-distance views of the static caravan and outbuildings are possible from the footpath that crosses Baulking Hill, albeit that views are only possible from one gap between trees and vegetation. Nevertheless, the very presence of the static caravan and buildings in a landscape generally devoid of development is an incongruous feature that draws attention in those views.
49. To the south of the site is the North Wessex Downs Natural Landscape. The public footpath that runs to the north of the fishing lake then extends for some distance in an east-west direction across gently rising ground. That public right of way affords panoramic views across the lowland vale to the south and south-west of the appeal site. The North Wessex Downs Natural Landscape forms the backdrop to those views.
50. In views from the public footpath, the static caravan, outbuildings and (at the time of my site visit) parked vehicles are prominent in the foreground against the backdrop of trees and, beyond that, the North Wessex Downs Natural Landscape. By reason of its incongruous nature and appearance, the development on the appeal site is unduly intrusive in those views and harms the setting of the North Wessex Downs Natural Landscape. Paragraph 189 of the Framework indicates that development within the setting of designated areas (including Natural Landscapes) should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. The development on the appeal site fails to achieve that.
51. I have considered whether the harms that I have identified above could be overcome or mitigated by the imposition of suitably worded conditions. There is sufficient space within the appeal site to accommodate landscaping. However, the provision of landscaping must in this case be assessed against the key characteristics of the Upper Vale Farmland landscape character type within which the appeal site is located. Landscaping adequate to completely screen the appeal site from view would itself form an incongruous feature in this landscape. Landscaping intended to soften the appearance of the development would not be effective in overcoming the harms that I have identified. In any event, given that any planting may subsequently die back or not flourish, it is not prudent to rely on landscaping to mitigate the impacts of a development which, as in this case, is intrinsically harmful to the landscape. Consequently, I consider that the imposition of conditions could not overcome the harm to the landscape that I have identified above.
52. I conclude that the development unacceptably harms the character and appearance of the area. I therefore conclude that the development is contrary to Policies CP37 of the Local Plan Part 1 and Policy D1 of the Neighbourhood Plan. These policies seek to ensure, amongst other things, that all new development responds positively to the site and its surroundings and respects the character of the area.
53. For the reasons set out above, the development fails to accord/would fail to accord with the Framework, which indicates that development should contribute to and enhance the natural environment and protect and enhance valued landscapes, as well as avoiding or minimising adverse impacts on a National Landscape.

Whether the development has resulted in a net loss of biodiversity

54. The starting point for consideration of this issue is proximity of the appeal site to the LWS. The Council accepts that the use of/development on the appeal site is unlikely to have adversely impacted any protected species. I see no reason to take a different view. However, prior to the development the appeal site was entirely semi-improved neutral grassland. The development has resulted in the loss of areas of neutral grassland to hardstanding/hardcore, amenity grassland and a cesspit. The Council considers that this will have resulted in a net loss of biodiversity. Given that the nearby LWS was designated in part because of its ornithological interest, this could potentially include some impact to ground nesting birds.
55. The appellant responds by explaining that the appeal site, and its surrounds, have been well maintained and regularly cut since circa 2004, and even more so when the site was divided into smaller paddocks in 2019. This is supported by aerial imagery taken between 2004 and 2015 and the 2018 sales brochure that form part of the Council's evidence.
56. There is much merit in the appellant's evidence in this respect: it is difficult to envisage that well-maintained grassland could provide a suitable habitat for ground-nesting birds and other wildlife. However, in the absence of a technical survey undertaken by a suitably qualified person at the appropriate time(s), I cannot discount the possibility that the semi-restored grassland does provide a valuable habitat for some species: for example, insects and reptiles. Accordingly, I favour the precautionary approach and I am therefore unable to conclude that there has been no net loss of biodiversity at this time.
57. The appellant has proposed the creation of area of grassland on the appeal site measuring some 320m². I am satisfied that the provision of that area of grassland could be secured by the imposition of a suitably worded condition. However, in the absence of a technical survey to establish the baseline position before the development took place, I am not in a position to determine whether the area proposed would be sufficient in terms of quantity and quality to at least offset any loss of biodiversity that may have occurred as a result of the development taking place.
58. I conclude that the appellant has failed to demonstrate that the development has not resulted in a net loss of biodiversity. I therefore conclude that the development is contrary to Policy CP46 of the Local Plan 2031 – Part 1, which seeks to protect, restore and enhance biodiversity in the district and avoid a net loss of biodiversity.
59. For the same reasons, the development fails to accord with the importance attached in the Framework to conserving and enhancing the natural environment.

Whether the development effects the future extraction of nearby reserves of minerals, specifically Fullers Earth

60. Although the adjoining land has a long history of being worked for minerals, and the land has subsequently been restored, the appeal site borders on additional mineral resource that has not been worked. That resource is Fullers Earth, which is a nationally scarce industrial mineral. In a consultation response dated 29 June 2022, the County Minerals and Waste Policy Team

confirm that the appeal site falls within a Minerals Safeguarded Area for Fullers Earth. The County Minerals and Waste Policy Team anticipates that any future extraction for Fullers Earth from the land adjoining the appeal site would need to provide a minimum of 100m as a suitable buffer zone. The static caravan is sited approximately 20m from the area of unworked Fullers Earth to the east of the appeal site. This would prevent some of the mineral being worked.

61. The static caravan stationed on the appeal site for residential purposes is a sensitive receptor that would require a suitable buffer between it and any future mineral extraction. I understand that there are currently no proposals to extract any remaining reserves of Fullers Earth that might be present on the land adjoining the appeal site. Nevertheless, it is axiomatic that reserves of minerals can only be worked where they are found. The extraction of any remaining reserves of Fullers Earth from the adjoining land would create an environment wholly inconsistent with the residential occupation of the appeal site in terms of noise, dust and Health & Safety considerations.
62. This is a consideration that must be weighed in the overall planning balance but, as a matter of principle, the development is contrary to Policy M8 of the Oxfordshire Minerals and Waste Local Plan - Part 1 Core Strategy. This policy provides that Mineral Safeguarding Areas seek to ensure that resources are safeguarded for possible future use. The policy goes on to state that development that would prevent or otherwise hinder the possible future working will not be permitted unless it can be shown that the need for the development outweighs the economic and sustainability considerations relating to the mineral resource.

Other considerations

63. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. I have found that the development subject to these appeals fails to accord with the development plan in the above respects. It is therefore necessary for me to consider whether there are any material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan.

The need for gypsy and traveller sites

64. Policy B of the PPTS states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. The Gypsy and Traveller Accommodation Assessment (GTAA) produced by Opinion Research Services (ORS) for the Council was published in June 2017. The baseline data for the GTAA was gathered in March 2015. The GTAA is therefore some seven years old at this time and is based on data even older than that. In that context, I am mindful that Policy A of the PPTS refers to the need for a robust evidence base to establish accommodation needs. In my view, the 2017 GTAA now falls a long way short of providing that robust evidence base.
65. The appellant criticises the GTAA, including in relation to its methodology. However, in view of subsequent events, I do not need to consider the appellant's criticisms in detail.

66. The first of these subsequent events was the Court of Appeal judgment in *Smith v SSLUHC & Others* [2022] EWCA Civ 1391. The PPTS was revised in December 2023 so that the planning policy definition of 'gypsies and travellers' set out in Annex 1 accorded with that judgement. This revision was carried forward into the 2024 version of the PPTS. The corollary is that the definition employed in the 2017 GTAA is not the definition in the PPTS now.
67. The Council considers this to be irrelevant, pointing out that the appellant and his family met the definition of 'gypsies and travellers' set out in Annex 1 of the 2012 and 2015 versions of the PPTS in any event. The Council does, however, acknowledge that the appellant and his family do not form part of the identified need established by the 2017 GTAA, as they came from outside the study area.
68. The Council also point out that, although not required to do so, the 2017 GTAA also assessed the accommodation needs of gypsies and travellers who did not meet the planning definition in the PPTS. The Council notes that, while the *Lisa Smith* judgement relates to how this group may be classified in future assessments or at the applications stage, it is case specific and doesn't remedy the PPTS: it only focuses on a narrow part of the definition, those who had stopped travelling because of age/disability. This leads the Council to the conclusion that given the narrow focus of the judgement in *Lisa Smith* it would be unreasonable to automatically assume that all households previously considered to not meet the definition have been discriminated against and should now be considered to fall within the identified need. On that basis, the Council say, it is not possible to conclude at this time that there is additional need resulting from the *Lisa Smith* judgement.
69. The second subsequent event change is the publication of the revised PPTS in December 2024. This further amended the definition of gypsies and travellers to include "all other persons with a cultural tradition of nomadism or of living in a caravan". This amendment potentially casts the net even further and for obvious reasons was not factored into the 2017 version of the GTAA.
70. When the amendments arising from the *Lisa Smith* judgement and the 2024 version of the PPTS are both taken into account there is the potential (and I put it no higher than that) for a significant increase in the number people that would now qualify as gypsies and travellers now but who would not have done so when the fieldwork was carried out for the 2017 GTAA in or around 2015. Taking into account also the age of the 2017 GTAA, I therefore hesitate to place any reliance upon it.
71. I conclude that, on the balance of probability, the Council cannot demonstrate an up-to-date 5 year supply of deliverable sites at this time. That is a material consideration to which I attach significant weight.
72. The PPTS states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the Framework apply. For decision making, this means granting permission unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land,

securing well-designed places and providing affordable homes, individually or in combination.

73. Footnote 7 to the Framework confirms that the policies referred to are those in the Framework (rather than those in development plans) relating to, amongst other things, a National Landscape. I have found that the development causes significant harm to the setting of the North Wessex Downs Natural Landscape, contrary to Paragraph 189 of the Framework. In my view, that provides a strong reason for refusing the development that has been carried out and which is proposed. The provision in paragraph 11(d) of the Framework is therefore disapplied in this case on the basis of the proviso in (i).
74. It follows that there is strictly no need for me to go on to consider the proviso in (ii) of paragraph 11(d) of the Framework. Nevertheless, for the sake of completeness, I will do so briefly here.
75. Paragraph 8 of the Framework indicates that achieving sustainable development means that the planning system has three overarching objectives: an economic objective, a social objective and an environmental objective. My reasoning in relation to those objectives is set out elsewhere in this Decision, albeit not under those headings. The following is therefore a 'headline' balancing exercise based on that detailed reasoning.
76. In terms of the economic objective, the development that has been carried out contributes very little to the local economy in terms of spending in local shops. In terms of the social objective, the development does provide a home for the appellant and his family, and there would be social consequences should the appeals not succeed. In terms of the environmental objective, the development constitutes a new home in an isolated location and causes significant harm to a valued landscape and to the setting of a National Landscape.
77. In balancing those objectives, I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations.

Alternative sites

78. It was held in *Angela Smith v Doncaster MBC* [2007] EWHC 1034 (Admin) that alternative sites must be available, affordable, acceptable and suitable. The Council cannot point to any alternative accommodation options for the appellants and their families that meet the criteria set out in *Angela Smith*. The corollary is that the dismissal of these appeals would more likely than not result in the appellant and his family having to resort to an unlawful roadside existence, with all of the attendant implications. That is a material consideration to which I attach significant weight.

Failure of Policy

79. It is clear that there is a potential shortfall of sites provided compared to the need for pitches identified in the 2017 GTAA and the amended definition for gypsies and travellers in the 2024 version of the PPTS. This is due in no small part to the age of the 2017 GTAA. National policy requires local planning authorities to accurately assess the need for gypsy and traveller

accommodation in their area, and to provide a five-year supply of specific, deliverable sites for that identified need. The Council has not done so. In that respect, the development plan is currently not meeting the needs of the travelling community.

80. In considering this issue, it is necessary to consider the background and context. The key element of the background is that large parts of the District are within the Green Belt and/or in a National Landscape. The Vale of White Horse is essentially a rural District, such that much of it constitutes open countryside (including for PPTS purposes).
81. It is National policy that traveller sites in the Green Belt are inappropriate development. Paragraph 189 of the Framework indicates that the scale and extent of development within National Landscapes should be limited. It is also National policy that new traveller sites in open countryside should be very strictly limited in open countryside that is away from existing settlements or outside areas allocated in the development plan. These restrictions on development therefore collectively apply to much of the District and limit the locations in which the provision of gypsy and traveller sites would be policy compliant. That sets the context for planning policy for the District.
82. Looked at in the round and even taking into account all the constraints imposed by the Green Belt/National Landscapes in this rural District, it is fair to say that the Council's policy towards gypsies and travellers has not worked out in practice. In that sense, there has been a failure of policy. However, there must be more to policy failure than giving a different name to any existing unmet need or shortfall on a five-year supply of sites or pitches. I have already found that there is a potential shortfall in the supply of gypsy and traveller pitches when compared to identified need and have attached significant weight to that. The extent of that potential shortfall is not known but is already compounded by the planning restrictions across the District as a whole. Affording weight to the failure of policy would introduce a form of double counting in which cause and effect are added together. Accordingly, I attach only limited weight to this as a material consideration.

Personal circumstances of the appellant and his family

83. The appeal site is occupied by Mr Brian Fury and his wife, and their four children. Mr Fury is a landscape gardener and travels for work, mostly during the summer months and typically for two to three weeks at a time. His family sometimes travel with him in a touring caravan, including to horse fairs at Appleby and other places pursuant to Mr Fury's interest in breeding horses. The personal circumstances of the appellant and his family were set out in detail at the Hearing. Those circumstances included sensitive information and for that reason I do not propose to rehearse those details here. It is sufficient to record here that it would be in the best interests of all those residing on the site to remain there as a stable base from which medical facilities can be accessed.
84. At the time of the Hearing, there were three children of school age residing on the site plus one child about to commence pre-school. The school-age children either currently attend a local school or will shortly have a place there. Having initially fallen behind in their education due to travelling, those children who are now attending school are doing well and have made many friends there, including with children from the settled community. I have no doubt that it

would be in the best interest of all the children residing on the site to remain there as a stable base from which to either continue or commence their education.

Human Rights and the Public Sector Equality Duty

85. Paragraph 3 of the PPTS states that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life for travellers while respecting the interests of the settled community. In that regard, interference with rights held under the European Convention of Human Rights, as incorporated into domestic law by the Human Rights Act 1998 (HRA), is a key consideration. In this case, there is interference with rights under Article 8 (right for respect for private and family life, home and correspondence). That is a qualified right, and interference with it may be justified where it is in accordance with the law and it is necessary in a democratic society.
86. In this case, the interference with the appellant's Article 8 rights arises from an enforcement notice issued under section 171 of the 1990 Act. The potential interference with the appellant's Article 8 rights would therefore be lawful. The protection of the countryside, preventing a net loss of biodiversity, safeguarding mineral reserves and promoting sustainable forms of development are legitimate and well-established planning policy aims. Indeed, promoting sustainable development is an overarching aim of national planning policy, as set out in the Framework.
87. For all the reasons set out above, I consider that the appeal site is not in an appropriate location for stationing of caravans for residential purposes. In total, I consider that the harm resulting from the development, proposed and existing, to be substantial. Upholding the enforcement notices and refusing planning permission would therefore be in the public interest.
88. Against this harm, the Council cannot point to a five-year supply of sites. There are no suitable alternative sites available. Upholding the notice would therefore result in the appellant and her family losing their home and, in all likelihood, would oblige the appellant to resort to a roadside existence, with all the implications associated with that. In that context, I am mindful of the personal circumstances of the appellant as explained at the Hearing. I also have the best interests of the children residing on the site at the forefront of my mind.
89. Balancing all these factors, I consider that the interference with the Article 8 rights held by the appellant and his family would be significant but in my view would be necessary and proportionate in these circumstances. In reaching that conclusion, I am satisfied that the policy objectives could not be achieved by means that interfere less with the appellant's rights.
90. The appellant and his family share the protected characteristic of race for the purposes of the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010. Upholding the notice or refusing to grant a permanent permission would impact negatively on the appellant's way of life and would reduce the opportunities available to her and her family. It would also deny or reduce the opportunities available to the appellant and his family to foster good relations with the settled community, including those of the children at their

school. I am also mindful that a more positive outcome in respect of the aims of PSED exists in the form of a temporary or a personal planning permission.

Third Party Representations

91. In a detailed representation dated 19 March 2023, Baulking Parish Meeting object to the development that has taken place and urge that the enforcement notices are upheld. The comments made are supported in a separate representation from Uffington Parish Council. The substance of those representation is covered above and I do not rehearse those points again here. I have, however, read and understood all the points raised in those representations, and have afforded them due weight.

Conditions

92. A condition limiting the use of the site to a single pitch is necessary in order to prevent further harm to the character and appearance of the area. For the same reason, a condition limiting the number and size of vehicles that may be parked or stored on the site is also necessary, as is a condition requiring that no commercial activities shall take place on the land. A condition requiring the submission of a scheme to offset any net loss of biodiversity (should that be first found to have occurred) would be necessary as would, given the proximity of the LWS, a condition requiring the installation of lighting. The erection of some types of fencing (for example, close-boarded) fencing would be harmful to the character and appearance of the area. Consequently, it is necessary to remove the rights granted under Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 for the erection of a gate, fence, wall or other means of enclosure.
93. If I am to afford weight to the personal circumstances of the appellant and his family, then a condition limiting occupation specifically to them is necessary, as is a condition requiring that the land is fully restored should the named occupiers vacate the site. Such a condition would prevent occupation of the site by anyone other than those named therein, and therefore a further condition restricting occupation of the site by other people of a nomadic habit of life would not be necessary. In the event that a temporary permission is granted, a condition requiring the restoration of the site at the end of that period would be necessary.

Balancing exercise and conclusion on the appeals on ground (a)

94. I conclude that, overall, the stationing of caravans for residential use is not appropriate in this location. The development unacceptably harms the character and appearance of the area, including the setting of the North Wessex Downs Natural Landscape. The appellant has failed to demonstrate that the development has not resulted in a net loss of biodiversity. The appeal site is within a Mineral Safeguarding Area and the permanent stationing of a residential caravan would prevent or otherwise hinder the possible future working of Fullers Earth, a nationally scarce industrial mineral. These harms could not be overcome by the imposition of suitably worded conditions, or by landscaping. Put another way, the appeal site is simply in the wrong location for the development as existing and proposed.
95. Against that, a permanent permission would provide a stable base from which the children residing on the site could access education and the whole family

access health facilities. The use of the site as a base from which the appellant could travel work would be an economic benefit for the appellant and his family and would facilitate the continuation of his nomadic habit of life. A permanent permission would negate the appellant having to resort to a roadside existence, with all the implications that would bring. The provision of one single pitch gypsy traveller site would contribute towards meeting the overall need identified in the GTAA, albeit that contribution would only be modest.

96. On balance, I conclude that the permanent use of the land as a traveller site would be contrary to policies in the development plan when read as whole. It would also not accord with the Framework or the PPTS when read as a whole. In relation to a permanent planning permission, I have not been advised of any material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan. Having regard to the cumulative severity of the harm caused by this development, I am satisfied the interference with the appellant's Article 8 rights would be necessary and proportionate, and that the policy objectives could not be achieved by means that interfere less with the appellant's rights. In reaching this conclusion, I have also taken into account my responsibilities under the PSED.
97. The balance does, however, shift when a temporary planning permission is considered. In those circumstances, the harms identified above, although no less severe, would only be for a temporary period. The site would be required to be restored at the end of that temporary period, thereby also repairing the harm to the character and appearance of the surrounding area. A temporary permission would provide time to establish the baseline against which to measure any loss of biodiversity and, if necessary, to formulate and implement proposals to offset any loss of biodiversity found to have occurred as result of the development. There are no imminent proposals to extract Fullers Earth from the reserves within the Mineral Safeguarding Area and, given the likely timeline should a proposal come forward in the future, a temporary permission would not prejudice that possibility.
98. A temporary planning permission would retain a settled base from which the appellant's children could attend the same school as at present on a regular basis. It would enable the family to access medical facilities. It would avoid the appellant and his family returning to a roadside existence, with all the disbenefits that would bring, until such time as a suitable alternative site was found. In the meantime, the appellant and his family could continue their nomadic habit of life from a stable base. A temporary planning permission would be in the best interests of those residing on the site.
99. The appellant requests a temporary period of five years. The Council has no objection to that. Having regard to the severity of the harms identified above, the question is finely balanced. I am particularly mindful that the harm to this valued landscape, including to the setting of the North Wessex Downs, would be ongoing throughout that time. The severity of the harm in these respects would be readily apparent from the public domain, the development being unacceptably intrusive when viewed from public footpaths primarily used for recreational purposes. The occupation of the site in an unsustainable location would be taking place throughout that time.

100. However, a temporary permission of that duration would provide the stability that the family seeks and needs. In that context, I am particularly mindful of the ages of the children and the desirability of not interrupting their education at a school which those children are already attending, are evidently thriving and at which they have made friends. A temporary period of five years would also provide time for the Council to further its work on identifying alternative sites and for those sites to be delivered. There would be no point in a temporary period that expired before a suitable alternative site became available, thereby potentially forcing the appellant and his family to return to a roadside existence. It therefore seems to me that a temporary permission of five years represents the best option in terms of avoiding that outcome.
101. The above conclusion is entirely predicated on the personal circumstances of the appellant and his family, and in particular the best interest of the children in terms of facilitating the continuation of their education at their current school. Those considerations would not necessarily apply to other potential occupiers of the site. The corollary is that as well as being temporary for a period of five years, it is also necessary that the permission(s) is personal to the appellant, his wife and their dependants. Accordingly, I will grant temporary and personal planning permission in relation to Appeals A and C.
102. The Council has elected to issue separate notices in relation to the material change of use (Appeal A) and the associated operational development (Appeal B). It is clearly necessary for the operational development to remain in situ for as long as the use is taking place. The Planning Practice Guidance indicates that a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. However, in this case, some of the buildings on the site are clearly moveable structures (such as the day room). There would be no difficulty in removing them. The only permanent development is the concrete bases, the hardcore and the septic tank. In the context of granting a temporary permission for a change of use that would otherwise be unacceptable on a permanent basis, I find nothing unreasonable in requiring the removal of the associated operational development at the end of that period. I will therefore (exceptionally) grant a temporary/personal permission under Appeal B for the operational development.

Conclusion

103. I conclude that Appeals A and B should succeed on ground (a) and the enforcement notices should be quashed. I shall grant planning permission on the applications deemed to have been made under Section 177(5) of the 1990 Act in the terms set out in the Formal Decisions below. As a consequence, the appeal on ground (g) (Appeal A) and the appeals on grounds (f) and (g) (Appeal B) do not fall to be considered. I shall also grant planning permission for the (retrospective) development proposed under Appeal C.

Formal Decisions

APP/V3120/C/23/3314399

104. The appeal is allowed, the enforcement notice is quashed and planning permission is granted in accordance with section 177(5) of the 1990 Act for the undertaking of building, engineering and other operations on the Land comprising: (i) the laying of an hardcore access and hardstanding area; (ii) the

laying of concrete bases; (iii) the installation of a septic tank; (iv) the erection of seven outbuildings comprising a day room, sheds and animal enclosures at Land known as Lakeview, Baulking Lane, Oxfordshire SN7 8NR subject to the following conditions:

1. The permission is personal to Mr Brian Fury and Mrs Marie Fury, and their dependants, and shall be limited for a period of five (5) years from the date of this permission. At the expiration of a period of five years, or when the premises cease to be occupied by those named above, whichever shall first occur, the hardcore access and hardstanding area; the concrete bases; the septic tank; and the seven outbuildings comprising a day room, sheds and animal enclosures shall all be removed in their entirety and the land restored to its condition as agreed in writing by the local planning authority in accordance with condition 2 below.
2. Within three (3) months of the date of this decision, a scheme to restore the land to its condition before the development took place shall be submitted in writing to the local planning authority. These details shall include an implementation programme. The restoration works shall be carried out in accordance with the details approved by the local planning authority.

Appeal Ref: APP/V3120/C/23/3314401

105. The appeal is allowed, the enforcement notice is quashed and planning permission is granted in accordance with section 177(5) of the 1990 Act for the use of the Land as a caravan site by the stationing of a mobile home and touring caravan for residential use by persons claiming Gypsy and traveller status at Land known as Lakeview, Baulking Lane, Oxfordshire SN7 8NR, subject to the following conditions:

1. The use hereby permitted shall be carried out only by Mr Brian Fury and Mrs Marie Fury, and their dependants. At the expiration of a period of five (5) years, or when the premises cease to be occupied by Mr Brian Fury and Mrs Marie Fury, and their dependants, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, animal enclosures, materials and equipment brought on to the land, or works undertaken to it in connection with the use (including the septic tank), shall be removed and the land restored to its condition agreed in writing by the local planning authority in accordance with condition 2 below.
2. Within three (3) months of the date of this decision, a scheme to restore the land to its condition before the development took place (or such other restoration as 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 ceases to be occupied by those permitted to do so, whichever occurs first, shall be submitted in writing to the local planning authority. These details shall include an implementation programme. The restoration works shall be carried out in accordance with the details approved by the local planning authority.
3. Within three (3) months of this Decision, details of a study to establish whether there has been a net loss of biodiversity on the site shall be submitted to and approved in writing by the local planning authority. That study shall then be implemented in accordance with a timetable agreed in writing by the local planning authority. In the event that the study reveals

that a net loss of biodiversity is found to have occurred as a result of the use of the development hereby granted planning permission, and/or as a result of any operational development associated that use, a scheme to offset that net loss of biodiversity shall be submitted to the local planning authority in accordance with the timetable agreed in writing by the local planning authority. The scheme to offset net loss of biodiversity that is found to have occurred shall be carried out in accordance with details approved in writing by the local planning authority.

4. Within three (3) months of this Decision, details of any external lighting shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Other than that approved in writing by the local planning authority following submission of those details, no external lighting shall be installed unless first approved in writing by the local planning authority.
5. There shall be no more than one pitch on the site and on this pitch no more than two (2) caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than one (1) shall be a static caravan) shall be stationed on the site at any time. The touring caravan, including any motorhome used in that capacity, shall not be used as separate residential accommodation.
6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
7. No more than one commercial vehicle shall be kept on the land and that shall only be for use by the occupiers of the caravans hereby permitted.
8. No commercial activities shall take place on the land, including the storage of materials.
9. Notwithstanding the provisions of Class A, Part 2, Schedule 2 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 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.

Appeal Ref: APP/V3120/W/23/3314402

106. The appeal is allowed and planning permission is granted for the use for the stationing of caravan(s) for residential use by one Gypsy Traveller family, the development to comprise one static caravan, one touring caravan, parking for two vehicles, associated hardstanding and infrastructure (retrospective) at Lakeview, Baulking Lane, Oxfordshire SN7 8NR, subject to the following conditions:

1. The site shall not be occupied other than by Mr Brian Fury and Mrs Marie Fury, and their dependants, and shall be limited for a period of five (5) years from the date of this permission. At the expiration of a period of five years, or when the premises cease to be occupied those named above, whichever shall first occur, the use hereby permitted shall cease and all associated hardstanding and infrastructure hereby approved shall

be removed and the land restored to its condition agreed in writing by the local planning authority in accordance with condition 2 below.

2. Within three (3) months of the date of this decision, a scheme to restore the land to its condition before the development took place (or such other restoration as 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 ceases to be occupied by those permitted to do so, whichever occurs first, shall be submitted in writing to the local planning authority. These details shall include an implementation programme. The restoration works shall be carried out in accordance with the details approved by the local planning authority.
3. Within three (3) months of this Decision, details of any external lighting shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Other than that approved in writing by the local planning authority following submission of those details, no external lighting shall be installed unless first approved in writing by the local planning authority.
4. Within three (3) months of this Decision, details of a study to establish whether there has been a net loss of biodiversity on the site shall be submitted to and approved in writing by the local planning authority. That study shall then be implemented in accordance with a timetable agreed in writing by the local planning authority. In the event that the study reveals that a net loss of biodiversity is found to have occurred as a result of the use of the development hereby granted planning permission, and/or as a result of any operational development associated that use, a scheme to offset that net loss of biodiversity shall be submitted to the local planning authority in accordance with the timetable agreed in writing by the local planning authority. The scheme to offset net loss of biodiversity that is found to have occurred shall be carried out in accordance with details approved in writing by the local planning authority.
5. There shall be no more than one pitch on the site and on this pitch no more than two (2) caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than one (1) shall be a static caravan) shall be stationed on the site at any time. The touring caravan, including any motorhome used in that capacity, shall not be used as separate residential accommodation.
6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
7. No more than one commercial vehicle shall be kept on the land and that shall only be for use by the occupiers of the caravans hereby permitted.
8. No commercial activities shall take place on the land, including the storage of materials.
9. Notwithstanding the provisions of Class A, Part 2, Schedule 2 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 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.

Paul Freer
INSPECTOR

APPEARANCES

For the Appellant

Mr Brian Fury	Appellant
Mr Brain Woods	Managing Director, WS Planning & Architecture

For the Local Planning Authority

Mr Robert Cramp	Principal Planning Officer (Enforcement)
Ms Hazel Osborne	Landscape Officer
Mr Steve Jarman	Head of Traveller Assessments, Opinion Research Services

DOCUMENTS SUBMITTED AT THE HEARING

1. Extract from a plan dated 19 May 1978 showing Method of Working at Baulking Plant & Quarry
2. Copy of representation by Baulking Parish Meeting dated 10 March 2023
3. Schedule of Conditions

DOCUMENTS AFTER THE HEARING

1. Letter with attached plan from WS Planning & Architecture dated 26 May 2023.
2. Letter dated 4 October 2023 from Mr Robert Cramp responding to the letter 26 May 2023 from WS Planning & Architecture dated 26 May 2023.