
Appeal Decision

Site visit made on 13 November 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 NOVEMBER 2025

Appeal Ref: APP/N1920/W/25/3370192

Land adjacent to Romani, St Albans Road, South Mimms, Potters Bar EN6 3PP

- 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 Hertsmere Borough Council.
 - The application Ref is 25/0563/FUL.
 - The development proposed is the material change of use of land to use as a residential caravan site for 5 Gypsy/Traveller families, each with one caravan/mobile home, together with laying of hardstanding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site fronts St Albans Road and extends back behind a palisade fence and a relatively tall laurel hedge. It comprises of land predominantly surfaced with concrete hardstanding, with some loose stone. There is a Nissen-hut type building roughly in the centre. A few commercial vehicles, a tracked excavator and a wheeled front loader were parked on the site.
3. The appeal land was seemingly last used as an unauthorised construction contractor's depot and is the subject of an enforcement notice, upheld on appeal in 2024¹, that requires, amongst others, the use to cease and the associated hardstanding and fencing to be removed and the reinstatement of topsoil and vegetative cover. The period for compliance with the enforcement notice has elapsed and the Council says it has sought an injunction to require compliance.
4. The definition of previously developed land in the National Planning Policy Framework ("the Framework") relates only to land which has been lawfully developed. Consequently, I have treated the appeal land as a greenfield site. I have therefore assessed the effects of the proposed development against the baseline of its likely condition that would follow from compliance with the enforcement notice.
5. The planning application form confirms that the proposed development has not started. Parts of the existing concrete hardstanding required to be removed by the enforcement notice could be used by the appeal development. However, I do not regard that to amount to it being a retrospective development and have therefore referred to the development as being proposed.

¹ APP/N1920/C/23/3333857

6. Appeal decisions dated October 2021² and a Noise Report were submitted as late evidence contrary to the Procedural Guide³. No exceptional circumstances were given for the late submission of those documents or why they were not submitted earlier in accordance with the appeal timetable. Therefore, I have not accepted them or taken them into account in determining the appeal.
7. I have taken account of the allowed appeal at Norton Lindsey⁴ because it could not, given the decision date, have been provided in accordance with the appeal timetable. In the interests of fairness, the Council was given an opportunity to comment on its relevance and therefore no injustice would occur.

Main Issues

8. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the Framework.
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on the setting and significance of the South Mimms Conservation Area (“the CA”).
 - Whether appropriate living conditions would be provided for future occupants of the proposed development with particular regard to noise from traffic.
 - Whether there is a valid exemption from the Biodiversity Net Gain condition.

Reasons

Whether inappropriate development in the Green Belt

9. Policy CS13 of the Hertsmere Local Plan Core Strategy, Adopted January 2013, sets out that development proposals in the Green Belt will be assessed in relation to the Framework. Policy SADM26 of the Hertsmere Site Allocations and Development Management Policies Plan, Adopted November 2016 requires proposals to be assessed against Policy CS13, including controlling the scale of development with particular regard to a list of principles.
10. The Planning Policy for Traveller Sites (PPTS) explains that traveller sites in the Green Belt are inappropriate development unless the exceptions set out in Chapter 13 of the Framework apply. Those exceptions are listed in Framework paragraphs 154 and 155, which define what types of development would not be inappropriate in the Green Belt. Inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances.
11. The proposal would not be any of the types of development listed in paragraph 154. However, Framework paragraph 155 states that the development of homes, in the Green Belt, which includes traveller sites, should not be regarded as inappropriate development where: (a) Green Belt land would be utilised and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; (b) there is a demonstrable unmet need for

² APP/P1045/C/20/3255861 and APP/P1045/W/20/3255859

³ Procedural Guide: Planning appeals – England Updated 30 June 2025

⁴ APP/T3725/W/24/3356326

traveller sites, with reference to the 5 year supply of deliverable traveller sites as required by the PPTS; and (c) the development would be in a 'sustainable location' with particular reference to Framework paragraphs 110 and 115, and PPTS paragraph 13.

12. The parties agree that the proposed development would utilise Grey Belt land as defined in the glossary to the Framework as land within the Green Belt which does not strongly contribute to purposes (a), (b) or (d) of the Green Belt. There is agreement between the main parties that the proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The evidence indicates some 80% of Hertsmere Borough is washed over by the Green Belt.
13. There is a demonstrable unmet need for traveller sites in Hertsmere Borough for the reasons given later in this decision. There is no dispute between the main parties that the application of policies relating to the areas or assets listed in Footnote 7 of the Framework (other than Green Belt) do not provide a strong reason for refusing or restricting development. Based on my assessment of the appeal proposal's effect on the CA, which is covered later in this decision, I have no basis to disagree.
14. Insofar as Framework paragraph 155 is concerned, the principal dispute between the parties is whether the development would be in a sustainable location, which I go on to consider as follows.

Whether the development would be in a sustainable location

15. For the purposes of Framework paragraph 155, there is no definition of a 'sustainable location'. However, Framework paragraphs 110 and 115, which are specifically referenced in paragraph 155, are contained under its objectives for promoting sustainable transport. As such they are a strong indicator that a sustainable location relates to the availability of opportunities to use sustainable transport.
16. In accordance with the content of those paragraphs it is my judgment that a sustainable location for the purposes of Framework paragraph 155 is one that limits the need to travel, offers a genuine choice of transport modes, and allows the prioritisation of sustainable transport modes, taking account of the type and scale of development. Therefore, whether the proposed development would be in a sustainable location in terms of Framework paragraph 155, is to be determined primarily by reference to those considerations. For the purposes of Framework paragraph 110, I do not regard the appeal development to be significant in scale.
17. The Council describes the appeal site's location as rural or semi-rural, being outside of the settlement of South Mimms and in the countryside, albeit close to the motorway network. Promoting sustainable transport is not necessarily precluded by a rural location, but it is a relevant factor having regard to Framework paragraph 110, which requires the variability of opportunities to maximise sustainable transport solutions between urban and rural areas to be taken account of in planning decisions.
18. The Council takes the view that the appeal site is not environmentally sustainable. It is said that the site is not in a sustainable location because future occupiers

would be dependent on private car travel and would suffer unacceptable living conditions due to traffic noise.

19. In determining whether the appeal site would be in a sustainable location Footnote 57 to Framework paragraph 155 requires particular reference to PPTS paragraph 13. That paragraph of the PPTS appears aimed at policy formulation and plan making and is framed in the context of the Government's overall aim for the PPTS, when read as a whole, of enabling the provision of suitable accommodation for travellers from which they can access education, health, welfare and employment infrastructure.
20. In my judgement, noise effects are a relevant consideration in PPTS paragraph 13 in determining the suitability of that accommodation and should be weighed in the overall broader assessment of whether the proposed development would be sustainable within the meaning of the Framework when taken as a whole. However, I am not convinced on the evidence before me that it would be a relevant factor in assessing whether a location is sustainable within the comparatively narrower confines of transportation and travel for the purposes of Framework paragraph 155.
21. Indeed, the PPTS does not preclude sites in rural or semi-rural areas, subject to the scale of sites not dominating the nearest settled community and it therefore recognises that many traveller sites will be in rural areas, albeit very strictly limited in open countryside that is away from existing settlements. Whilst not located within the defined settlement boundary, the appeal site is not in open countryside that is away from South Mimms.
22. Overall, whilst the PPTS should be read in conjunction with the Framework, I consider that the relevance of paragraph 13 to whether the appeal site is in a sustainable location for the purposes of Framework paragraph 155, means drawing a distinction between each criterion that relates to travel, including the objective of prioritising sustainable modes of transport for travel, and those that do not.
23. In terms of access to services and facilities, including health services and schools, and reducing long distance travelling, the evidence indicates that future occupants of the proposed development would be able to walk to the village hall, primary school, and church within around 10 – 15 minutes. Those journeys would be along a route consisting of footpaths separate to the roads and mostly with street lighting. Walking to those destinations would be a realistic travel mode for most future occupiers of the proposed development. Dedicated cycle lanes are not part of the highway infrastructure in the area and not everyone is necessarily sufficiently capable and able to make journeys on cycle. Nonetheless, cycling would offer a realistic travel mode for some occupiers of the proposed development to reach those services in the village.
24. Access to higher order services and facilities at larger centres, including a GP surgery and a secondary school, can be made from the nearest bus stops on St Albans Road, which are a short walk away from the appeal site. The closest medical centre is about 3 miles away in Potters Bar. The evidence indicates there is a bus service from Potters Bar to Borehamwood that varies in frequency with 30 minutes to 1 hour between each bus, which provides realistic opportunities for sustainable travel to a range of key destinations.

25. I share the Council's view, having walked that route, that future occupiers of the proposed development are unlikely to visit the varied restaurants, cafes and shops within the Motorway Services, located a short distance to the south, by walking or cycling. This is due to a lack of footways on part of the route and the need to cross busy roads. However, those facilities would be readily accessible by car, involving a very short return journey, offering an opportunity for purchasing convenience goods. The appeal site would accord with the requirement of Policy CS6 for Gypsy and Traveller sites to have safe and convenient access to the road network and be located within reasonable proximity to key local services.
26. Having regard to all the above, future occupants of the proposed development would have realistic opportunities to access a range of important services and facilities by sustainable transport modes, which could be prioritised over travel by the private car. Consequently, I conclude that the appeal site is in a sustainable location for the purposes of Framework paragraph 155.c.

Conclusion on whether inappropriate development

27. Taking all the above into account, the appeal site is Grey Belt land, and the appeal development would be in a sustainable location. Consequently, when assessed against Framework paragraph 155, the appeal proposal would not be inappropriate development in the Green Belt, and I need not go on to consider its effect on openness or on its purpose of safeguarding the countryside from encroachment.
28. Given that Policy CS13 will be assessed in relation to the Framework, I find no conflict with that policy. To the extent that there would be a conflict between the proposed development and the principles of Policy SADM26 in controlling the scale of development in the Green Belt, the conflict carries negligible weight given that the policy is not consistent with Framework's provisions for development on grey belt land.

Character and appearance, and the significance of the CA

29. The appeal site is located on the eastern edge of St Albans Road, where there is a scattered pattern of residential properties set amongst a wider landscape of fields and dense woodlands, in the hinterland between the A1M and the relatively compact built-up area of South Mimms village. Although the wide St Albans Road and the large-scale transport infrastructure of the motorway exert a strong visual and audible influence on the area of the appeal site, I concur with the Council's description of the area being generally rural.
30. The boundary of the CA follows St Albans Road and the frontage of the appeal site. Although not within the CA, the appeal site is therefore within its setting. Insofar as relevant to this appeal, the significance of the CA is derived largely from the relationship between the compact built form of the historic village of South Mimms and its rural surroundings that separate it from the A1M, and which reflect the historic pattern, origins and evolution of the settlement.
31. Compliance with the enforcement notice would result in the appeal site being open and free from development, and planting would be expected to establish giving it a verdant quality. This would give the appeal site a rural character and appearance, and it would contribute positively to the rural setting of the CA, reinforcing the legibility of the compact settlement pattern of South Mimms. As such, the appeal

site is deemed to make a positive contribution to the setting and significance of the CA as a designated heritage asset.

32. The evergreen Laurel planting along the front boundary of the appeal site would provide a good degree of screening of the appeal development in street level views from St Albans Road, particularly as the caravans and vehicles would be relatively low in height. The proposed landscaping of the appeal development would be effective in softening the development in accordance with criterion ix) of Policy CS6.
33. Nonetheless, the proposed use would have an urbanising effect that would harmfully erode the spaciouly rural and verdant qualities of the appeal site, and thus how the compact form of South Mimms village is experienced within its rural surroundings. This would be detrimental to the character and appearance of the area, and it would result in harm to the setting of the CA and its significance as a designated heritage asset. The harm would be relatively localised and low in magnitude given the scale of the development and the softening effect of landscaping.
34. For those reasons, I conclude that those harms would bring the proposed development into conflict with Policy CS14 and Policy SADM29, insofar as they set out that the Council will not permit development proposals which fail to protect, conserve or where possible enhance the character and appearance of a heritage asset and its setting. There would also be conflict with Policy CS22 and Policy SADM30 insofar as they seek for development to make a positive contribution to the built and natural environment, complement local character and conserve the Borough's historic environment. For the same reasons, the proposed development would not be sympathetic to local character and history, including the landscape setting of the CA, contrary to Framework paragraph 135.
35. In the language of the Framework, the harm to the significance of the CA would be 'less than substantial' and at the lowest end of the spectrum of that harm. Framework paragraph 212 requires great weight to be given to the conservation of heritage assets which are irreplaceable. paragraph 215 of the Framework states that such harm should be weighed against the public benefits of the proposal. The heritage balance is an other consideration in this decision.

Living conditions of future occupiers

36. The site is close to the busy motorway of the A1M, which is clearly visible from it, and it is not far from the M25 motorway. Noise from traffic using the motorways was audible continuously from all parts of the appeal site and at levels that I would regard as loud and intrusive. Traffic noise from St Albans Road along the site frontage was generally intermittent but still clearly audible from the appeal site.
37. It was also apparent to me that significant traffic noise appeared to emanate from towards the west and in the direction of the M25. This may coincide with the prevailing wind direction and my observations of traffic conditions being much heavier on the M25 than the A1M at the time of my visit, which I accept was a snapshot in time.
38. The appellant has submitted extracts from the National Traffic Noise and Air Pollution Map showing average road traffic noise on the appeal site as ranging from 60.0 – 69.9 dB during the daytime, reducing at night to 55.0 – 59.9 dB along

the front part of the site, and 60 – 64.9 dB along the rear part, roughly where 3 of the pitches would be located.

39. There appears to be no dispute between the main parties that, as a matter of principle, the sound insulating properties inherent to the construction of a mobile home meeting BS3632, would reduce internal noise levels to those acceptable target levels set out in BS8233.
40. It is unclear whether windows would have to be kept closed to achieve those internal noise levels, but it appears likely to be the case on the evidence before me. Whilst this could leave residents with a choice of opening windows for ventilation and being exposed to a very noisy external environment, or keeping windows closed with reduced ventilation and cooling, the Council appears satisfied that its suggested condition would secure details of adequate ventilation. A broadly similar condition was imposed in the Norton Lindsey appeal, and found to meet the tests for imposing conditions, albeit that appeal decision contains no quantitative noise levels for comparison with the appeal site before me.
41. The Council raises concerns over the enforceability of a condition restricting the stationing of mobile homes that would not meet the BS3632. On the evidence before me it is not clear how a mobile home meeting that standard could be differentiated from one that does not, and thus whether a breach could realistically be detected. Nonetheless, even if I was to take the best-case scenario for the appellant that all mobile homes would meet BS3632, it would have no effect on external noise levels at the appeal site which are shown to be significantly above the 55dB World Health Organisation Guidelines, particularly at the rear of the site where 3 pitches and their areas of open space for domestic activities, including grass areas suited to children's play space, would be located.
42. Based on my own experiences of the appeal site, external noise levels would be intrusive and harmful to the living conditions of the future occupiers. Those occupiers could include families with children who are more likely to spend considerable time outdoors and value the outdoor environment at the appeal site for play space and well-being, particularly during the daytime. There appears to be broad agreement between the parties that an acoustic fence would be necessary to reduce noise levels in external areas of the site and achieve the lowest practicable noise levels in such areas. Such a fence would also be expected to reduce internal noise levels within the mobile homes, particularly when windows are open.
43. However, save for the appellant's explanation that an acoustic fence could be erected along the southern and eastern boundaries of the appeal site, no details of the length, height, materials and appearance of the fence are before me. Without those details, I am unable to make any meaningful assessment or assumption as to its potential consequential effects on the Green Belt, the character and appearance of the area, including the CA, and the living conditions of nearby occupiers. Such an acoustic fence could substantially change the appearance of the proposed development and its effects in those respects. Deferring details of it through a planning condition would deprive interested parties and the Council with an opportunity to comment on them, leading to unfairness and injustice.
44. Moreover, there is no technical evidence to show that such a fence would be effective in reducing noise levels on the appeal site to below the target level

considered necessary to achieve a satisfactory external noise environment for the future occupiers of the development. Given that I experienced significant traffic noise emanating from the direction of the M25, and that traffic noise was clearly audible from St Albans Road along the site frontage, it is unclear whether an acoustic fence would be needed along the front boundary of the appeal site. No technical evidence to the contrary has been advanced by the appellant.

45. Some broad similarities on noise effects can be drawn between the appeal site and the allowed appeal at Norton Lindsey, as both are close to busy motorways. However, there are also significant differences in that the allowed appeal scheme was accompanied by a noise assessment and the Inspector had full details of the acoustic fence before them, with the Council raising no objection to its effects or appearance. The allowed appeal is therefore of limited weight and relevance to my consideration of this main issue. Noise was not a disputed matter in the other appeal decisions⁵ submitted by the appellant and therefore they are not relevant to this main issue.
46. That noise levels in external areas of the appeal site would be no worse than the gardens of the small number of nearby homes do not justify unacceptably poor living conditions for future occupants of the proposed development. Whilst available play space in the village would provide opportunities for children to play, it would not be an adequate substitute for amenity space on the appeal site, which would likely be used frequently, particularly by young children. As such, it does not lessen my concerns over the living conditions of future occupiers with regard to noise effects.
47. For those reasons, I conclude that the proposed development would not provide appropriate living conditions for future occupants with particular regard to noise from traffic, contrary to Policy CS16 and Policy SADM20, insofar as they seek to minimise noise pollution and ensure that residential development should not be exposed to existing significant sources of noise pollution, unless it can be shown that mitigation measures would be successful in reducing noise impacts to an acceptable level. The proposed development would be contrary to Framework paragraph 135 insofar as planning decisions should ensure that developments create places which promote health and well-being with a high standard of amenity for future users.
48. Although not referred to by the Council in its decision notice, Policy CS6 criterion vi) also requires provision of acceptable environmental conditions within a gypsy and traveller site, including avoiding noise pollution. This reflects criterion 13.e) of PPTS paragraph 13, which states that policies should provide for proper consideration of noise effects. Therefore, conflict with that criterion of Policy CS6 would arise for the reasons given above.

Biodiversity net gain

49. Planning Practice Guidance⁶ states: *“For the Biodiversity Plan, Paragraph 6 of Schedule 7A of the Town and Country Planning Act 1990 makes provision relating to unauthorised degradation takes place, and Paragraph 6A of the 1990 Act makes provision relating to degradation taking place which is in accordance with a planning permission: Where unauthorised degradation of the onsite habitat has*

⁵ APP/G2435/W/22/3292751, APP/J0405/C/13/2193582 and APP/J0405/C/13/2193601

⁶ Paragraph: 036 Reference ID: 74-036-20240214

taken place on the land between 30 January 2020 and the date of the relevant date, the biodiversity pre-development value of the onsite habitat should be calculated as the biodiversity value of the habitat on the date immediately before the carrying out of these degradation activities. The relevant date should therefore be set as a date immediately before these activities. Unauthorised degradation of onsite habitat is any degradation which is not in accordance with a previous planning permission.”

50. The main parties agree that the unauthorised hardstanding covering the appeal site was laid prior to 30 January 2020. Therefore, on the evidence before me, I consider that the relevant date for the calculation of the site’s pre-development biodiversity value would be the date of the planning application. Given the concrete covering, there appears to be no dispute that the biodiversity value of the appeal site on that relevant date was nil. In my judgement, the period of compliance for the enforcement notice does not change that fact. Therefore, the appeal development would be subject to the de minimis exemption for development which does not impact a priority habitat, less than 25 square metres (e.g. 5m by 5m) of onsite habitat and 5 metres of linear habitats such as hedgerows. Consequently, it would not be subject to the biodiversity gain condition.
51. The proposed development would result in sizeable areas of hardstanding being restored to grass and the planting of hedgerows on the site. Therefore, the delivery of a gain in biodiversity through a landscaping scheme would appear inevitable, consistent with Policy CS12 and Policy SADM10 which seek to enhance habitats and biodiversity.

The need for and supply of gypsy and traveller sites

52. I have had regard to a relatively recent allowed appeal in Hertsmere Borough at Watling Street, Radlett⁷ for a single gypsy and traveller pitch, which found that Policy CS6 is largely out of date as it relates to an elapsed time period and its detailed criteria does not sufficiently align with the PPTS. Since that appeal was allowed, the Council has confirmed that no further planning permissions for gypsy and traveller pitches have been granted, and there is no reasonable prospect that additional sites and/or pitches will be allocated in the near future. An updated Gypsy and Traveller Accommodation Assessment has been commissioned but is not expected imminently.
53. Consequently, there is no dispute that the Council is unable to demonstrate a 5 year supply of traveller sites as required by the PPTS and there is a significant immediate unmet need for pitches in Hertsmere Borough. These factors indicate a failure of Council policy to meet the need for pitches as expected by the PPTS. In that context, the proposed delivery of the 5 pitches carries substantial weight in favour of the appeal.

Other Matters

54. Whilst the personal circumstances of future occupiers of the proposed development are not before me, they would have a shared protected characteristic for the purposes of the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. Although the shortage of pitches for those occupiers

⁷ APP/N1920/W/23/3332125

may indicate inequality of housing opportunities for gypsies, for which the refusal of planning permission would exacerbate, it does not follow from the PSED that the appeal should be allowed. Nonetheless, the equality implications of the proposed development weigh significantly in its favour.

Planning Balance

55. The proposed development would harm the character and appearance of the area, and the significance of the CA through development within its setting. It would not provide appropriate living conditions for future occupiers due to the harmful effects of traffic noise from the nearby roads. Those harms would bring the proposed development into conflict with Policies CS14, CS16 and CS22, and Policies SADM20, SADM29 and SADM30. The development would generally perform well against the criteria in out-of-date Policy CS6, including the enhancement of biodiversity consistent with Policy CS12 and Policy SADM10. However, the conflict with the aforementioned policies would bring the development into conflict with the development plan as a whole.
56. The Council cannot demonstrate a 5 year supply of deliverable sites for gypsies and travellers. In that scenario the PPTS states that the provisions of paragraph 11.d) of the Framework are relevant. For the reasons given above the proposed development would not constitute inappropriate development in the Green Belt and therefore the application of the policies in the Framework relating to the Green Belt does not provide a strong reason for refusing the development.
57. The proposed development would make a valuable contribution towards increasing the supply of gypsy and traveller sites and addressing the shortfall in Hertsmere Borough. The public benefits of doing so would outweigh the great weight that I attach to the low level of less than substantial harm it would cause to the significance of the CA as a designated heritage asset. They amount to the clear and convincing justification necessary for the level of harm caused. Accordingly, when applying the heritage policies in the Framework there is not a strong reason for refusing the development.
58. Accordingly, the Framework's so called tilted balance applies under paragraph 11.d)ii. and planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In applying the tilted balance, I have had 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.
59. In accordance with Framework paragraph 129, the proposed development would make efficient use of land to help meet identified needs for gypsy and traveller sites in a location that is sustainable in transport terms. However, it would cause a low level of harm to the character and appearance of the area, and it would not be sympathetic to local character, including through harm to the rural landscape setting of the CA. The external noise environment would result in harmful living conditions for the future occupiers. There would be a failure to promote health and well-being, and the creation of a place with a high standard of amenity for existing and future users, contrary to those aspects of Framework paragraph 135.
60. The proposal's low level of harm to the character and appearance of the area, including the setting of the CA, would not, despite the great weight I afford this

matter, significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. However, the harm to the living conditions of future occupiers is a different matter that would conflict with the considerable importance placed by the Framework on securing well-designed, attractive and healthy places. I therefore find that the development would not be well-designed, and the Framework is clear in paragraph 139 that development that is not well-designed should be refused.

61. In this instance this clear instruction by the Framework is sufficient on its own, let alone when the cumulative harms are considered, to outweigh the substantial weight that attaches to the benefits of the proposed development. Consequently, the adverse impacts of the proposed development on its future occupiers would significantly and demonstrably outweigh its benefits, when assessed against the policies in the Framework taken as a whole.
62. The Planning Practice Guidance states that a time limited planning permission is only likely to be appropriate in certain circumstances, including where it is expected that the planning circumstances will have changed in a particular way by the end of the temporary period. In this instance a temporary planning permission would not be justified as there is no evidence to indicate that noise levels from traffic on nearby roads would be materially different, let alone lower, in the future.
63. Details of an acoustic fence derived from a site-specific noise assessment could be submitted in a relatively short timescale. However, on the evidence before me I cannot be confident that an acoustic fence would be effective in adequately reducing noise levels on the appeal site and the harm to the living conditions of the occupiers, whilst also avoiding consequential planning harms. As such, a temporary planning permission would not be justified.
64. As the appeal development has not begun and is not occupied for the proposed use, a refusal to grant permission would not, on the evidence before me, result in gypsy and travellers losing their homes. Therefore, I find no inconsistency between the dismissal of the appeal and Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998, which gives the right to respect for private and family life and home, including the particular lifestyle which is shared by gypsies as an ethnic group.

Conclusion

65. The proposed development would be contrary to the development plan as a whole. The material considerations, including the benefits of the proposal and the provisions of the Framework, are insufficient to outweigh that finding. Consequently, I conclude that the appeal proposal is unacceptable, and the appeal is dismissed.

G Sylvester

INSPECTOR