

Planning Statement in support of a Full Planning Application

Land on the south side of Blazegate
Gedney
Spalding
PE12 0ED

Re-configuration of the existing site to provide a total of 12 x residential Gypsy and Traveller pitches, including associated groundworks, hardstanding and landscaping

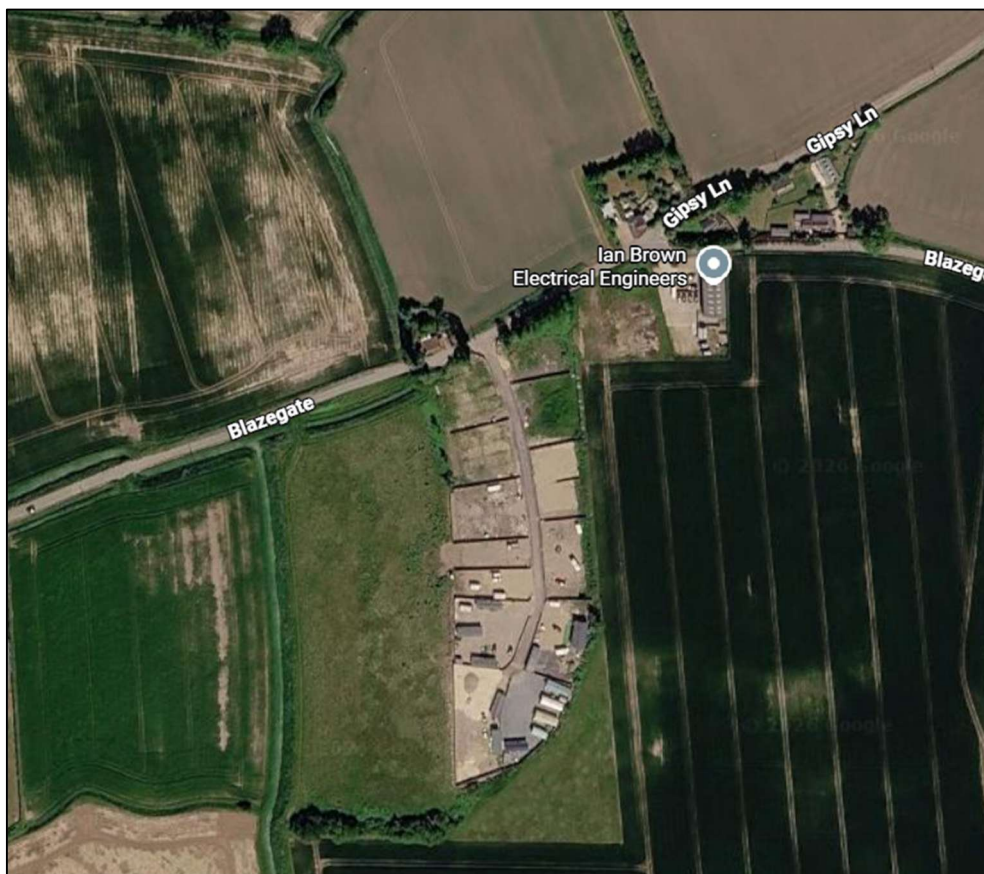
On behalf of Messrs Doran, Doran, Murphy, Murphy, Cannon, Parker, Parker, Rooney, Taylor, Brian, Quinn and Quinn

1.0 Introduction

- 1.1 This planning statement has been prepared in support of a full planning application for the re-configuration of the existing site to provide a total of 12 x residential Gypsy and Traveller pitches, including associated groundworks, hardstanding and landscaping, at Land on the south side of Blazegate, Gedney, Spalding, PE12 0ED.
- 1.2 The statement will consider relevant local and national policies, as well as supporting documents, to justify the development in planning terms.

2.0 The Site

- 2.1 The application site comprises an established Gypsy and Traveller site known as The Orchards, located on the southern side of Blazegate, Gedney. The site benefits from an existing vehicular access onto Blazegate, a central internal access road running north to south through the site, areas of hardstanding and gravel, fencing, and existing mobile home accommodation and associated infrastructure. The site is relatively flat.
- 2.2 The site is bounded by existing hedgerows and boundary vegetation. To the north of the site, on the opposite side of Blazegate, is the residential property known as Libra and an existing commercial premises. The surrounding area is otherwise predominantly agricultural.
- 2.3 An aerial image of the site is shown below in **Figure 1**.



- 2.4 The site is located within the open countryside, outside of any defined settlement boundary. The site is within Flood Zone 3a, but benefits from the presence of the tidal flood defences, and the principal source of flood risk is a residual tidal event associated with a breach of the Lincolnshire coastal defences. The site is at very low risk of surface water flooding. The site is not within or adjacent to any other designated area, although it does fall within the Impact Risk Zone of Sites of Special Scientific Interest.

Planning History

- 2.5 The site has an established planning history as a Gypsy and Traveller site. The most relevant planning history for the site is as follows:
- **H06-0772-21** – Change of use from agricultural land to provide 5 Gypsy/Traveller family pitches, each having a static mobile home, a dayroom, parking for a tourer and two vehicle spaces, together with a treatment plant, laying of hardstanding, and associated works (part retrospective) – Refused 17 January 2022.
 - **H06-0791-22** – Re-submission of H06-0772-21 – Refused 2 September 2022.
 - **H06-0532-23** – Change of use of agricultural land to provide 5 Gypsy/Traveller family pitches each having a static mobile home, dayroom, parking for a tourer and 2 vehicle spaces together with a treatment plant, the laying of hardstanding and associated ancillary works (part retrospective) – Refused 29 January 2024, **Allowed on appeal 5 July 2024** (APP/A2525/W/24/3339458).
 - **H06-0839-24** – Details of foul and surface water drainage, existing and proposed site levels and flood warning and evacuation plan (Conditions 5(i), 6(i) and 8(i) of H06-0532-23) – Approved 18 December 2024.
 - **H06-0842-24** – Modification of Condition 9 of H06-0532-23 to change the timeframe for compliance relating to mitigation measures within the Flood Risk Assessment – Approved 6 January 2025.
 - **H06-0024-25** – Details of Biodiversity Net Gain Plan supported by a Biodiversity Management Plan (Condition 7(i) of H06-0842-24) – Approved 24 March 2025.
- 2.6 The site therefore benefits from an extant planning permission for 5 Gypsy and Traveller pitches, granted at appeal and subsequently varied. The use of the site as a Gypsy and Traveller site is therefore established and lawful.
- 2.7 The wider area also has an established history of Gypsy and Traveller development. Most notably, at Green Acres Park, Ropers Gate, which is approx. 400m to the north of the site, the Council granted planning permission on 26 May 2026 under reference H06-0768-25 for the ‘use of land to provide 16 additional mobile homes for Gypsy & Traveller use’. That site also lies within Flood Zone 3, and the proposal was for the intensification of an established Gypsy and Traveller site. In granting permission, the Council gave weight to the established lawful use of the site, the approved fallback position and the identified need for Gypsy and Traveller pitches in the District. This is a considered directly comparable and is a very recent decision, which is a material consideration of weight in the determination of this application.

3.0 Planning Policy Framework

- 3.1 For this application, the only relevant local and national planning policies are those considering the spatial strategy and development in the countryside, Gypsy and Traveller development, flood risk, design and impact on the character of the area, highway impacts, drainage, ecology and impact on future occupiers/neighbouring properties.
- 3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for any determination to be made under the Planning Acts, then that determination must be made in accordance with 'the Plan' unless material considerations indicate otherwise.
- 3.3 The National Planning Policy Framework 2026 (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies in the NPPF are material considerations and should be taken into account in decision-making.

Chapter 4 – Achieving sustainable development

This section states that, at a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. It goes on to state the three overarching objectives to achieving sustainability: economic, social and environmental.

Policies S3 to S5 set out the presumption in favour of sustainable development and its implications for decision-taking. The 2026 Framework has replaced the former 'tilted balance' with a location-based presumption: development within settlements is dealt with under policy S4, and development outside settlements under policy S5. Policy S5 permits only certain categories of development outside settlements, which include, at S5(1)(g), development which would address an evidenced unmet need. Where an authority cannot demonstrate a five-year supply of deliverable traveller sites, that unmet need is directly relevant under S5(1)(g).

Chapter 6 – Delivering a sufficient supply of homes

Policy HO1(2) requires the size, type and tenure of housing or other accommodation needed for different groups to be assessed and reflected in planning policy; those groups expressly include Travellers at HO1(2)(h). Policy HO1(1)(b) further requires an assessment of the permanent and transit site accommodation needs of travellers in the area. These provisions carry forward, within the Framework, the traveller accommodation needs formerly addressed through paragraph 63 and the Planning Policy for Traveller Sites.

Policy HO12 provides that development proposals for traveller sites should be located so that they provide a settled base while recognising the extent to which traditional lifestyles can contribute to sustainability, and "may also mean that locations not well-related to existing settlements may be appropriate", and so that they enable access to

frequently used services such as education, welfare and health services. HO12(2) further provides that, in considering need under policy S5, local planning authorities should take into account the existing level of local provision, the need for additional sites and other personal circumstances which may be relevant.

Chapter 12 – Making effective use of land

Policy L1 provides that planning for the effective and efficient use of land should make as much use as possible of previously developed or 'brownfield' land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Chapter 14 – Achieving well-designed places

Policy DP3 sets out the key principles for well-designed places. DP3(1) provides that development proposals should respond to their context so that they integrate with and enhance their surroundings, and DP3(2) sets out the principles, Liveability, Climate, Nature, Movement, Built Form, Public Space and Identity, which proposals should reflect, as appropriate to the nature of the development and its location, to create places which function well, are visually attractive, are sympathetic to local character, and provide a high standard of amenity for existing and future users. DP3(3) provides that proposals should be refused where, without clear justification, they conflict with DP3(1) or relevant aspects of the DP3(2) principles.

Chapter 15 – Promoting sustainable transport

Policy TR4 requires that development provides safe and suitable access for all users, including service and emergency vehicles, together with appropriate parking provision. Policy TR6(4) provides that development should only be refused on highways grounds where there would be a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety.

Chapter 17 – Pollution, public protection and security

Policy P3 seeks to ensure healthy living conditions for future occupiers under P3(2)(a), and under P3(2)(b) that neighbouring residents and occupiers are protected from unacceptable loss of daylight and sunlight, and from noise, air and light pollution.

Chapter 18 – Managing flood risk and coastal change

Policy F4 sets out when a site-specific flood risk assessment is required to support a planning application, which includes all development within Flood Zones 2 and 3. Policy F5 sets out the Sequential Test, the aim of which is to steer new development to areas with the lowest risk of flooding, such that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Where it is not possible for development to be located in areas at lower risk, the Exception Test may need to be applied, requiring it to be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that it would be safe for its lifetime, without increasing flood risk elsewhere. Policy F7 requires that development in areas at risk of flooding is

made safe for its lifetime, including through flood resistance and resilience measures, safe access and escape routes and emergency planning, and Policy F8 requires the incorporation of sustainable drainage systems and the protection of watercourses.

Chapter 19 – Conserving and enhancing the natural environment

Policy N2 requires development to improve the natural environment, including through the delivery of biodiversity net gain where this applies and by conserving and enhancing existing natural features such as established trees and hedgerows under N2(1)(d). Policy N6 sets out the approach to development affecting designated sites, including habitats sites and Sites of Special Scientific Interest.

3.4 The South East Lincolnshire Local Plan 2011 – 2036

The development plan for the area comprises the South East Lincolnshire Local Plan 2011 – 2036, adopted in March 2019 (SELLP). The policies of relevance to this application are as follows.

Policy 1 (Spatial Strategy) sets out the settlement hierarchy for the Plan area and confirms that the countryside represents the least sustainable location for new development. Part D of Policy 1 states that, in the countryside, development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. The explanatory text to Policy 1 acknowledges that some housing may be justified in the countryside, including Gypsy and Traveller accommodation.

Policy 2 (Development Management) sets out the sustainable development considerations against which all proposals will be assessed, including size, scale, layout and density; the impact on the character and appearance of the area; the impact on neighbouring land uses by reason of noise, odour, disturbance or visual intrusion; access and vehicle generation; and sustainable drainage and flood risk.

Policy 3 (Design of New Development) requires all development to create distinctive places through the use of high quality and inclusive design and layout, having regard to the character of the area, landscaping and boundary treatments.

Policy 4 (Approach to Flood Risk) states that development proposed within an area at risk of flooding will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding, and that the development is supported by a site-specific flood risk assessment which identifies the predicted flood risk level and demonstrates appropriate flood resistance and resilience measures. The explanatory text acknowledges that much of South Holland is at significant risk of flooding and identifies the need to facilitate development in a way that is resilient to flooding. Policy 4 also states that caravans for permanent residential use will not be permitted in areas at risk of flooding, and at criterion (g) addresses the protection of controlled waters from pollution, including through foul drainage arrangements.

Policy 20 (Accommodation for Gypsies, Travellers and Travelling Showpeople) is the principal development plan policy in relation to Gypsy and Traveller accommodation. It

states that planning permission will be granted for Gypsy and Traveller sites where proposals are adequately served by infrastructure, do not give rise to significant adverse effects on the amenity of neighbouring occupiers, provide an acceptable standard of amenity for occupiers, do not place undue pressure on local infrastructure, do not prejudice highway safety and, for permanent residential use are not located within Flood Zone 3a.

Policy 28 (The Natural Environment) seeks to protect and enhance the biodiversity and geodiversity value of land and buildings, and to minimise the fragmentation of habitats, and requires development to deliver a net gain in biodiversity.

Policy 30 (Pollution) states that development will not be permitted where, taking into account any proposed mitigation measures, it would lead to unacceptable adverse impacts upon health and safety, the amenities of neighbouring occupiers, or the natural environment, including from noise, light, odour and water pollution.

Policy 32 (Community, Health and Well-being) seeks to ensure that development supports the health and well-being of communities, including through access to open space and recreation.

Policy 36 (Vehicle and Cycle Parking) seeks to ensure that development provides appropriate levels of vehicle and cycle parking, and Policy 2 requires development to be served by a safe and suitable access.

3.5 **The Planning Policy for Traveller Sites (2024)**

The Planning Policy for Traveller Sites 2024 (PPTS) previously sat alongside the NPPF as a separate statement of national traveller policy. The 2026 NPPF records at Annex A that the content of the PPTS has been either fully or partially incorporated within the Framework or no longer represents up-to-date government policy; traveller policy is now carried within the Framework itself, principally through policies HO1, HO3 and HO12 and policy S5(1)(g), together with the definitions in Annex B. The PPTS provisions set out below are retained for context and continue to inform the assessment insofar as their content is reflected in the Framework.

The definition of a Traveller, as set out in Annexe 1 of that document, is as follows:

‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.’

The definition is reflected in the ‘Gypsies and travellers’ definition in the glossary at Annex B of the 2026 NPPF, and accounts for those who have ceased travelling, whether permanently or temporarily, as well as those who may never have travelled but who nevertheless have a cultural tradition of nomadism or of living in a caravan.

Policy B, paragraph 13 of the PPTS, sets out the wider sustainability benefits of providing permanent residential sites for gypsies and travellers, including promoting access to appropriate health services, ensuring that children can attend school on a regular basis, providing a settled base that reduces the need for long-distance travelling, and not locating sites in areas at high risk of flooding, given the particular vulnerability of caravans.

Policy C, paragraph 14 of the PPTS, confirms that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Policy H, paragraph 25 of the PPTS, states that Local Planning Authorities (LPAs) should consider the following issues, amongst other relevant matters, when considering planning applications for Traveller sites:

- a) the existing level of local provision and need for sites;
- b) the availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant;
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy, where there is no identified need for pitches/plots, should be used to assess applications that may come forward on unallocated sites;
- e) that they should determine applications for sites from any travellers and not just those with local connections.

Policy H, paragraph 27 of the PPTS, states that when considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land;
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

3.6 The Boston and South Holland Gypsy and Traveller Accommodation Assessment (GTAA) 2016

The most recent GTAA for South Holland is the Boston and South Holland Gypsy and Traveller Accommodation Assessment 2016, which was prepared to provide a robust assessment of the accommodation needs of Gypsies and Travellers to inform the Local Plan. The GTAA continues to be relied upon by the Council, having been cited in the

Council's officer report for the recent nearby decision under ref: H06-0768-25 in May 2026.

The GTAA is now ten years old and pre-dates the December 2024 revision to the PPTS, which reinstated the broader definition of Gypsies and Travellers to include those who have ceased to travel permanently. It therefore does not reflect the current definition, and the need it identified is likely to significantly understate the true level of need in the District. In any event, the Council agreed through the 2024 appeal at this site that there is an unmet need for Gypsy and Traveller pitches/sites within the District, and the Inspector recorded that the Council accepted that it does not have a sufficient supply of Gypsy and Traveller sites. More recently, in May 2026, the Council gave weight to the identified district-wide need for additional Gypsy and Traveller accommodation in granting permission at Green Acres under ref: H06-0768-25. There is therefore a clearly established need for Gypsy and Traveller sites in the District.

4.0 Proposal

- 4.1 Full planning permission is sought for the re-configuration of the existing site to provide a total of 12 x residential Gypsy and Traveller pitches, including associated groundworks, hardstanding and landscaping.
- 4.2 The site currently benefits from planning permission for 5 Gypsy and Traveller pitches. Since that permission was granted, the site has been subdivided into a greater number of pitches, some of which have additional caravans stationed on them, whilst other parts of the site have been left in an untidy and derelict condition. The application is therefore part retrospective and seeks to regularise the current situation on site through a comprehensive, planned re-configuration of the whole site, bringing it under a coherent layout and appropriate planning control.
- 4.3 As shown on the site layout plan, the development would utilise the existing access onto Blazegate and the existing central internal access road. The site would be laid out as 12 pitches, arranged on either side of the internal access road, with a static caravan/mobile home together with a touring caravan and parking for each pitch. Each pitch would benefit from its own area of hardstanding and parking, and an area dedicated for children's play.
- 4.4 The existing hedgerows along the site frontage would be retained, and new tree planting is proposed along the eastern and western boundaries of the site, reinforcing the existing boundary vegetation.
- 4.5 In flood risk terms, each mobile home would be installed on a Flood Technology Group Flood Adaptive Platform. Under normal conditions, the homes would remain at a conventional floor level approx. 600mm above surrounding ground level, and in response to an agreed flood trigger, each platform would raise the accommodation so that the finished floor level is approx. 2m above surrounding ground level, exceeding the 1.6m mitigation level previously accepted for the site by the Inspector. This would be supported by a site-specific Flood Warning and Evacuation Plan. This is a brief synopsis, and the full details are set out in the submitted Flood Risk Assessment and Drainage Strategy.

5.0 Planning Appraisal

Principle of Development

- 5.1 The applicant is seeking the re-configuration of this site to provide 12 Gypsy and Traveller pitches. All of the future occupants of this proposed development would identify as Gypsy and Travellers, and therefore, the Equality Act 2010 and the Human Rights Act 1998 (Article 8) are relevant to this application. Where children reside on the site, their best interests must also be treated as a primary consideration.
- 5.2 The starting point in this instance is the established lawful use of the site. The use of The Orchards as a Gypsy and Traveller site was accepted by the Inspector in allowing the appeal in July 2024 (APP/A2525/W/24/3339458), and all of the pre-occupation conditions have since been discharged. As such, the principle of Gypsy and Traveller accommodation on this site is established, and the proposal relates to the re-configuration and intensification of an existing, lawful site, rather than the introduction of a new site into the countryside.
- 5.3 The site is located in the countryside for the purposes of Policy 1 of the Local Plan. Part D of Policy 1 states that, in the countryside, development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. In determining the appeal, the Inspector specifically considered Policy 1 and concluded, at paragraph 17 of the decision:

'The Council accept they do not have a sufficient supply of gypsy and traveller sites. I consider, therefore, that this development would go towards meeting the needs of that community. I also note that in the explanatory text to the policy it states that some housing may be justified in the countryside, such as gypsy and traveller accommodation. As such whilst the site is detached from Gedney, which itself only has limited facilities, there is no conflict with Policy 1.'

- 5.4 This conclusion applies equally to the current proposal, which would make a further contribution towards meeting the needs of the Gypsy and Traveller community on the same site. This approach is also consistent with the Council's own, more recent assessment of the intensification of Green Acres in May 2026, where it concluded that the proposal was capable, in principle, of falling within the type of countryside exception anticipated by Policy 1 and was acceptable in principle under Policy 1. The proposal would therefore accord with Policy 1 of the Local Plan.
- 5.5 Policy 20 of the Local Plan is the principal development plan policy in relation to Gypsy and Traveller accommodation. The proposal is assessed against its criteria below:

Adequately served by infrastructure; The site is an established Gypsy and Traveller site, served by an existing access, internal access road and utilities. The proposal would be served by a comprehensive new surface water and foul drainage system, as set out in the submitted Drainage Strategy.

No significant adverse effects on the amenity of neighbouring occupiers; The site is set within its own grounds, well screened by boundary vegetation, with only limited neighbouring residential properties, and the use is an established one. This is addressed in further detail below.

An acceptable standard of amenity for occupiers; Each pitch would benefit from its own hardstanding and parking, with adequate separation between caravans, and the occupiers would benefit from a series of dedicated children's play areas throughout the site.

No undue pressure on local infrastructure; The proposal represents a modest increase of 7 pitches on an existing site. The nearest settlement of Gedney, together with Holbeach and Long Sutton which are easily accessible, provide a range of services and facilities. The scale of the proposal would not place undue pressure on local infrastructure, nor dominate the nearest settled community.

No prejudice to highway safety; The site is served by an existing access onto Blazegate, which the Inspector found to be acceptable in highway safety terms. This is addressed in further detail below.

For permanent residential use, not located within Flood Zone 3a; It is acknowledged that the site is located within Flood Zone 3a and that there is, in this respect, a conflict with Policy 20. However, the Inspector found in 2024 that this conflict was outweighed by the specific circumstances of the site such that the residents would not be at unacceptable risk of flooding. The proposal also incorporates enhanced mitigation over and above that accepted by the Inspector. This is addressed in detail in the Flood Risk section below.

- 5.6 Therefore, other than in respect of the flood zone criterion, which the Inspector has already found to be outweighed in the specific circumstances of this site, the proposal accords with Policy 20 of the Local Plan. This is consistent with the Council's conclusion on Green Acres Park, where it found that the fact that the site was already established as a Gypsy and Traveller site meant that the proposal was acceptable in broad principle under Policy 20 and the PPTS.
- 5.7 The Planning Policy for Traveller Sites (PPTS) is clear on the wider sustainability benefits of providing permanent residential sites for Gypsies and Travellers, and that in rural locations, LPAs should ensure that the scale of such sites does not dominate the nearest settled community. In this case, the proposed development would not dominate the nearest settled community.
- 5.8 Moreover, the PPTS states that LPAs should consider the following issues, amongst other relevant matters, when considering planning applications for Traveller sites. Each matter shall be addressed in turn:

a) the existing level of local provision and need for sites; As already addressed, the Council has accepted that there is an unmet need for Gypsy and Traveller sites in the District and that it does not have a sufficient supply of sites, and the GTAA on

which the Local Plan relies is ten years old and pre-dates the broader December 2024 definition.

b) the availability (or lack) of alternative accommodation for the applicants; In the 2024 appeal, the Council accepted that there are no public Gypsy and Traveller sites in the District and did not dispute that there was no availability for the appellant and his family on other private sites. There is no evidence that this position has changed, which really limits the opportunities for alternative accommodation for the future occupiers.

c) other personal circumstances of the applicant; A statement setting out the personal circumstances of the applicant and the future occupiers of the site will be provided to the LPA.

d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy, where there is no identified need for pitches/plots, should be used to assess applications that may come forward on unallocated sites; As above, there is an identified unmet need for pitches, which will of course lead to proposals on unallocated sites such as this. In any event, the proposal has been assessed against the criteria of Policy 20.

e) that they should determine applications for sites from any travellers and not just those with local connections. This is clear and widely accepted when considering applications such as this.

- 5.9 The PPTS also states at Policy H, paragraph 27, that weight should be attached to the effective use of previously developed, untidy or derelict land, and to sites being well planned or soft landscaped, with adequate landscaping and play areas for children. The proposal would bring the existing, partly untidy and derelict areas of the site back into beneficial use through a well-planned layout, with new tree planting and a series of dedicated children's play areas and would make effective use of an established site in accordance with policy L1 of the NPPF.
- 5.10 In terms of sustainability, the site is located approx. 470m from the nearest defined settlement boundary, approx. 370m from the nearest bus stop and approx. 590m from the A17, which provides direct access to the services and facilities of Holbeach, Long Sutton and Spalding. The nearest school is approx. 1.4km from the site and the nearest GP surgery approx. 1.7km away. Policy HO12 of the NPPF recognises that traveller sites should provide a settled base enabling access to education, welfare and health services, and that locations not well-related to existing settlements may be appropriate. The site is therefore considered to be in a sustainable location for a traveller site, as the Inspector found in 2024.
- 5.11 To reiterate, it is established that there continues to be an identified unmet need for sites for Gypsy and Travellers in the District, and that the Council does not have a sufficient supply of sites to meet this need. Therefore, the presumption in favour of sustainable development (policies S3 to S5 of the NPPF) is engaged, given this is an out-of-settlement traveller site and the evidenced unmet need is directly relevant under

policy S5(1)(g). The provision of these pitches would make a significant contribution to meeting this need, and substantial weight should be afforded in this instance.

- 5.12 In the event that planning permission is granted for this development, it is not considered necessary or reasonable to impose a personal planning condition linking the occupation of the pitches to named individuals, and no such condition was imposed by the Inspector in 2024. The applicant would, however, accept conditions of the type imposed by the Inspector, including restricting occupation of the site to Gypsies and Travellers, limiting the number of pitches and caravans, and preventing commercial activities on the site.

Flood Risk

- 5.13 It is acknowledged that the site is within Flood Zone 3a and that, as residential caravans, the proposal falls within the 'highly vulnerable' flood risk vulnerability classification. It is also acknowledged that Policy 4 of the Local Plan states that caravans for permanent residential use will not be permitted in areas at risk of flooding, and that Policy 20 states that Gypsy and Traveller sites for permanent residential use will not be permitted in Flood Zone 3a.
- 5.14 However, this position was considered by the Inspector in allowing the appeal at this site in July 2024. The Inspector noted that the explanatory text to Policy 4 acknowledges that much of South Holland is at significant risk of flooding and identifies the need to facilitate development in a way that is resilient to flooding. Having considered the evidence in detail at a hearing, including from the Environment Agency, the Inspector concluded at paragraph 16 that *'whilst there is conflict with some parts of policies 4 and 20 and the PPG, I find that that conflict is outweighed by the specific circumstances here as set out above such that the residents are not at unacceptable risk of flooding'*.
- 5.15 The specific circumstances identified by the Inspector remain unchanged and are equally applicable to the current proposal. In summary, the Inspector found that:
- The flood risk at the site arises primarily from a failure or breach of the sea defences, comprising an earth embankment around 7km from the site, which the Environment Agency would aim to fix within 72 hours.
 - Were a 1 in 200 year or 1 in 1000-year breach event to happen now, there would be very little impact on the site, with shallow (less than 0.25m) and slow-moving floodwater representing a low hazard.
 - Whilst depths could reach up to 1m and 1.6m respectively in the 2115 climate change scenarios, the water would be slow moving and, as the risk is tidal, would rise and fall with the tides, with maximum depths only occurring after a number of high tides.
 - It is more likely that occupiers would evacuate the site during one of the low tide times, prompted by Environment Agency text alerts, before dangerous depths were reached.

- The Council accepted there are no public Gypsy and Traveller sites in the District and did not dispute that there was no availability on other private sites, such that there were no sequentially preferable sites and the Sequential Test was passed.
- Even if the Exception Test needed to be passed, the provision of Gypsy and Traveller pitches would be a wider sustainability benefit, the development would not increase flood risk elsewhere, and, with the proposed mitigation, the Exception Test would be passed.

5.16 **Sequential Test**

5.17 The submitted Flood Risk Assessment applies the Sequential Test across the South Holland District. A substantial proportion of the District lies within Flood Zones 2 and 3, and the availability of land within Flood Zone 1 is limited. There is no evidence of a reasonably available and suitable site at a lower risk of flooding that could accommodate the proposed pitches. The Inspector concluded in 2024 that there were no sequentially preferable sites, and there has been no material change in the distribution of flood risk across the District, nor in the availability of Gypsy and Traveller sites that would alter that view. Furthermore, the proposal relates to the re-configuration of an existing, established site, rather than the introduction of a new site onto undeveloped land. The Sequential Test is therefore considered passed, in accordance with policy F5 of the NPPF and Policy 4 of the Local Plan.

5.18 **Exception Test**

5.19 In terms of the first part of the Exception Test, the provision of 12 Gypsy and Traveller pitches, in the context of an acknowledged unmet need and the absence of any public sites in the District, is considered to represent a clear wider sustainability benefit. This was accepted by both the Council and the Inspector in 2024, and the benefit would be greater in this case given the increased number of pitches. The proposal would also make effective use of an established site and its existing infrastructure, and would provide a coordinated flood warning, evacuation, drainage and site management regime across the whole site.

5.20 In terms of the second part of the Exception Test, it is considered that the proposal incorporates enhanced mitigation over and above that previously accepted by the Inspector. Whereas the appeal scheme relied on static homes set 1.6m above ground level on brick plinths, each mobile home would now be installed on a Flood Adaptive Platform capable of raising the accommodation so that the finished floor level is approx. 2m above surrounding ground level, exceeding the maximum modelled depth of 1.6m. Early evacuation, in accordance with a site-specific Flood Warning and Evacuation Plan triggered by Environment Agency warnings, would remain the primary life-safety response, with the elevated homes providing additional resilience and temporary refuge. The surface water drainage strategy would attenuate runoff and restrict discharge to 1.0 l/s, so that the development would not increase flood risk elsewhere.

5.21 As such, it is considered that the development would be safe for its lifetime, without increasing flood risk elsewhere, in accordance with policy F7 of the NPPF. As a result, the Exception Test is passed. The applicant would accept conditions requiring

compliance with the mitigation set out in the Flood Risk Assessment and the implementation and maintenance of the Flood Warning and Evacuation Plan, as imposed by the Inspector in 2024.

- 5.22 This approach is also entirely consistent with the Council's recent decision at Green Acres Park in May 2026, where notwithstanding the location of that site within Flood Zone 3 and the conflict with Policies 4 and 20, the Council granted permission for 16 additional mobile homes. In this decision the Council gave weight to the established lawful use of the site, the approved fallback position, the identified need for Gypsy and Traveller pitches and the Environment Agency's position. In that case, the Environment Agency noted that should the LPA be minded to approve the application, this would be on the basis that the proposal related to an intensified use of an established site and the identified need. It is considered that exactly the same circumstances apply to this proposal.
- 5.23 Therefore, whilst there is an acknowledged conflict with parts of Policies 4 and 20 of the Local Plan, it is considered that, as the Inspector concluded in 2024, this conflict is clearly outweighed by the specific circumstances of the site, and the residents would not be at unacceptable risk of flooding. This would accord with Policy 4 of the Local Plan when read as a whole and policies F4, F5 and F7 of the NPPF.

Impact on the Character and Appearance of the Area

- 5.24 Policies 2 and 3 of the Local Plan require development to respond positively to the character and appearance of the area, having regard to its size, scale, layout and density, landscaping and boundary treatments. This is supported at a national level by policy DP3 of the NPPF.
- 5.25 The site is an established Gypsy and Traveller site, and the proposal relates to the re-configuration of that site within its existing boundaries. In allowing the 2024 appeal, the Inspector found that the site is fairly well screened by vegetation along its boundaries and that, even with the dayrooms and static homes raised substantially above ground level, the boundary vegetation would continue to provide a good degree of screening such that there would be no adverse visual impact. The same can therefore be said for this proposal. Under normal conditions, the mobile homes would sit only approx. 600mm above ground level, lower than the 1.6m plinths previously accepted, and would only be raised in the event of a flood.
- 5.26 The existing frontage hedgerows would be retained, and new tree planting is proposed along the eastern and western boundaries, in accordance with policy N2(1)(d) of the NPPF, which would further soften and screen the site in the wider landscape. The proposal would also replace the current, partly untidy and derelict condition of parts of the site with a coherent and well-ordered layout, which would represent a visual improvement. The site would not be enclosed by hard landscaping, high walls or fences, in accordance with Policy H, paragraph 27(d) of the PPTS. Details of landscaping could also be secured by condition.

- 5.27 Therefore, it is considered that the proposal would not result in any adverse harm to the character and appearance of the area and would accord with Policies 2 and 3 of the Local Plan and policy DP3 of the NPPF.

Impact on Living Conditions of Neighbours/Future Occupiers

- 5.28 Policies 2, 20 and 30 of the Local Plan require that development should not result in a significant adverse impact on the amenity of neighbouring occupiers and should provide an acceptable standard of amenity for future occupiers. This is a baseline requirement of all development and is supported in the NPPF by policies DP3 and P3.
- 5.29 The nearest neighbouring residential property is Libra, on the northern side of Blazegate. Given the established residential caravan use of the site, the single-storey nature of the mobile homes, the separation distances involved and the existing boundary screening, it is considered unlikely that the proposed development would result in any material loss of amenity to neighbouring properties, with respect to loss of daylight/sunlight, loss of privacy and overdominance. The concerns raised by neighbours at the time of the appeal were considered by the Inspector, who found no substantive evidence of harm and noted that a condition preventing commercial activities would address any concern regarding business use of the site. The applicant would accept such a condition.
- 5.30 In terms of future occupiers, each pitch would be provided with adequate space for its caravans and parking, with appropriate separation between caravans, and the occupiers would benefit from a series of dedicated children's play areas distributed throughout the site, in accordance with Policy H, paragraph 27(c) of the PPTS. The applicant is aware that a caravan site licence will be required and that the layout would need to meet the relevant site licensing standards.
- 5.31 This would accord with Policies 2, 20, 30 and 32 of the Local Plan and policies DP3 and P3 of the NPPF.

Highway Impacts

- 5.32 The site is served by an existing vehicular access onto Blazegate, which serves the existing Gypsy and Traveller site. In allowing the 2024 appeal, the Inspector found that the development generates a modest amount of traffic and that, although Blazegate is narrow, it was not likely to have resulted in an adverse effect on highway safety. The Inspector also noted that satisfactory visibility at the access would be achieved through the frontage hedge being set back, and that the Local Highway Authority raised no objection.
- 5.33 The proposal would result in a modest increase of 7 pitches, and the additional vehicle movements associated with this would not be significant in the context of the existing use of the access. Each pitch would be provided with dedicated parking within the site, and the internal access road provides adequate space for vehicles to turn and exit the site in a forward gear, in accordance with Policies 2 and 36 of the Local Plan and policy TR4 of the NPPF. There would be no unacceptable impact on highway safety, nor a severe adverse impact on the transport network, and such that there are no grounds for

refusal under policy TR6(4). The applicant welcomes the opportunity to work with the Local Highway Authority should any further details be required.

Surface Water and Foul Drainage

- 5.34 The submitted Drainage Strategy confirms that infiltration drainage is not suitable, given the underlying clay and silt deposits and high groundwater. Surface water from the roofs of the mobile homes would therefore be collected in two storage pipes alongside the access road, providing sufficient storage for the 1% annual probability rainfall event including a 40% climate change allowance, and pumped to the adjacent land drainage ditch. The access roads, parking areas and plots would comprise permeable gravel surfaces. The final outfall, discharge rate and associated ditch works would be agreed with the South Holland IDB during consultation.
- 5.35 This will accord with Policies 2 and 4 of the Local Plan and policy F8 of the NPPF.

Ecology and Agricultural Land

- 5.36 As stated, the site is an established Gypsy and Traveller site, largely comprising existing hardstanding, gravel and made ground, and the proposal relates to the re-configuration of that site within its existing boundaries. A Biodiversity Net Gain Plan and Biodiversity Management Plan for the site were approved by the Council under H06-0024-25 in March 2025. Should the LPA consider it necessary, the applicant would be happy to provide an updated Biodiversity Net Gain metric and any further ecological information to support the application. In any event, the proposed tree planting along the eastern and western boundaries and the retention of the existing hedgerows would deliver a biodiversity enhancement, in accordance with Policy 28 of the Local Plan and policy N2 of the NPPF.
- 5.37 The site falls within the Impact Risk Zone of Sites of Special Scientific Interest associated with The Wash. Given the nature and modest scale of the proposal, and that it relates to an existing site, it is not considered that it would give rise to any likely significant effects on these designated sites, in accordance with policy N6 of the NPPF and Policy 28 of the Local Plan. However, should the LPA require any further information to inform a Habitats Regulations Assessment, the applicant would be happy to provide this.
- 5.38 Whilst the site is identified as best and most versatile agricultural land, the Inspector found in 2024 that the agricultural use of the land has not been maintained, and that there was no substantive evidence that the loss of this area is detrimental to agricultural production. The site is now an established Gypsy and Traveller site, and the proposal would not result in the loss of any further agricultural land.
- 5.39 This will accord with the relevant Local and National planning policies.

Part Retrospective Nature of the Application

- 5.40 It is acknowledged that the application is part retrospective, and that intentional unauthorised development is a material consideration in the determination of planning applications. In 2024, the Inspector afforded modest weight to this matter, balanced against the lack of any other suitable Gypsy and Traveller sites.

- 5.41 In this case, it is considered that the application represents a genuine and proactive attempt by the applicant to regularise the current situation on site. The site has, since the grant of permission, become fragmented, with an inefficient arrangement of pitches/ caravans and parts of the site left derelict. The proposal would replace this with a comprehensive, planned layout for the whole site, supported by an upgraded flood mitigation, warning and evacuation strategy and a new drainage system, all of which would be secured by condition. Granting permission in this case would therefore bring the whole site under appropriate planning control, which is clearly preferable to the current situation and is itself a planning benefit. In light of this, and the continued lack of alternative sites, it is considered that no more than limited weight should be attached to the part retrospective nature of the proposal.

Human Rights and Equality

- 5.42 The future occupiers of the site are members of the Gypsy and Traveller community, a group with protected characteristics under the Equality Act 2010, and the Council must have due regard to its Public Sector Equality Duty. The refusal of planning permission would also amount to an interference with the occupiers' rights to respect for their home and private and family life under Article 8 of the European Convention on Human Rights, and, where children reside on the site, their best interests must be treated as a primary consideration. Such interference must be balanced against the public interest, and in this case, for the reasons set out above, the proposal would not result in unacceptable harm.

6.0 Conclusion

- 6.1 Overall, it is acknowledged that the Council has accepted that there is an unmet need for Gypsy and Traveller sites in the District and that it does not have a sufficient supply of sites, based on a GTAA that is ten years old and pre-dates the broader December 2024 definition. As such, the presumption in favour of sustainable development (policies S3 to S5 of the NPPF) is engaged, and the unmet need is relevant under policy S5(1)(g).
- 6.2 The site is an established, lawful Gypsy and Traveller site, granted permission at appeal in 2024. In line with the Inspector's conclusions, the proposal would go towards meeting the needs of the Gypsy and Traveller community, and there is no conflict with Policy 1 of the Local Plan. The proposal accords with the criteria of Policy 20 other than in respect of its location in Flood Zone 3a, and with the relevant provisions of the Planning Policy for Traveller Sites, which is now carried within the NPPF.
- 6.3 In flood risk terms, the Inspector found that the conflict with Policies 4 and 20 was outweighed by the specific circumstances of the site, such that the residents would not be at unacceptable risk of flooding. Those circumstances remain unchanged, and the proposal incorporates enhanced mitigation, through the Flood Adaptive Platforms, a site-specific Flood Warning and Evacuation Plan and a new surface water drainage system, over and above that previously accepted at appeal. The Sequential and Exception Tests are passed, and the approach is entirely consistent with the Council's recent decision on the intensification of Green Acres Park (H06-0768-25).

- 6.4 All other matters relating to the impact on the character and appearance of the area, the amenities of neighbours/future occupiers, highway impacts, drainage and ecology are considered acceptable in this instance. The proposal would also regularise the current situation on site and bring it under a coherent layout and appropriate planning control, which is itself a planning benefit.
- 6.5 Taking all of the above into account, it is considered that the proposal accords with the development plan when read as a whole, and that there are no adverse impacts resulting from this development that would outweigh the benefits, when considered against the local and national policy framework as a whole.
- 6.6 It is therefore respectfully requested that planning permission be granted for the development submitted herein.