

August 2026

MS26

Planning Services
South Holland District Council
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Re: Application for change of use of land to Gypsy / Traveller site comprising 4 no. mobile homes and 2 no. touring caravans.

at: Land behind Middle Earth, Main Road, Holbeach Drove, Spalding, PE12 0PS

Dear Mx / Madam / Sir,

1. Please find enclosed a planning application on behalf of Mr Stevens. This covering letter seeks to provide a description and justification for the proposed development.
2. The proposal is for the provision of a Gypsy / Traveller site.
3. The application comprises:
 - MS.01: Completed planning application form & ownership certificates
 - MS.02: Planning Statement (this document)
 - MS.03: Site Location Plan
 - MS.04: Proposed Site Layout
 - MS.05: Adjacent Appeal Decision Letter (APP/A2525/W/22/3300517)

Site description

4. The application site consists of a rectangular parcel of land c.0.18ha.
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5. The current authorised use is agricultural. To the west in an existing 2 pitch Traveller site. To the south and under the same ownership, there is extant permission for a dwelling. The wider site forms part of linear development of dwellings interspersed by agricultural land use along Main road.
6. There is an existing access onto the B1166 (Drove Road) which runs along the south boundary of the site.
7. The site is within Flood Zone 1 (low risk of flooding). It is not subject to any other relevant designations. The site is in the open countryside for planning purposes.

Planning History

8. Relevant planning history includes the application for the adjacent 2 Gypsy / Traveller pitches and for the adjacent dwellings.
 - Application ref: H09-0087-22, for the change of use from paddock to residential use for Gypsy and Travellers (retrospective) to include 2 static caravan pitches, and associated touring caravans. Dated 31 January 2022 and refused by notice dated 19 May 2022. The development was allowed at Appeal ref: APP/A2525/W/22/3300517 on 31st October 2021.
 - Application ref: H09-0783-18 for demolition of glasshouse and erection of 2 detached dwellings. Approved 9th July 2019.

The application proposal

Additional Gypsy/Traveller pitches

9. The proposal is for 3 Gypsy / Traveller pitches, to be occupied by Gypsies / Travellers who fulfil the definition of Gypsies and Travellers in Annex One of Planning Policy for Traveller Sites.
 10. The configuration of the site is illustrated in the Proposed Site Layout Plan (attachment MS.04).
 11. Elevations and floorplans for the mobile home have not been included as part of the application. The standard condition is that the proposed mobile home must meet the legal definition as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. Given that mobile homes are by their nature interchangeable structures, it is inappropriate to condition details of size or appearance in a more restrictive manner, except in
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exceptional circumstances such as significant flood risk. The site is in flood zone 1 and there are no other exceptional circumstances, therefore such a requirement is not justified in this instance.

Access

12. There is an existing access with good visibility onto Main road.

Landscaping

13. The site will be well screened by the detached dwelling once constructed and in the context of the surrounding land uses any additional visual impact would be minimal.
14. To ensure adequate amenity for the residents and an increase in biodiversity at the site, native hedgerow planting is proposed between the pitches.
15. Additional landscaping details can be secured by means of an appropriately worded condition should the LPA deem it necessary.

Relevant development plan policy and supporting evidence base

16. The starting point for the consideration of this appeal is section 70(2) of the Town and Country Planning Act 1990 which states:

In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

17. Furthermore, section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

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 made in accordance with the plan unless material considerations indicate otherwise.

18. These propositions of law are reiterated by both the National Planning Policy Framework (NPPF 2024) at para 2, and Planning Policy for Traveller Sites (PPTS 2015 as amended 2024) at para 22.

The adopted plan

19. Extant local level policy is the South East Lincolnshire Local Plan 2019. LP policy 20 relates specifically to accommodation for Gypsies and Travellers. The policy allocates a number of sites and sets out criteria-based policy by which windfall sites can be assessed.

Gypsy and Traveller Accommodation Assessment

20. The most recent assessment of need for the area is the Boston and South Holland Gypsy and Traveller Accommodation Assessment (GTAA) update which was published in November 2016.
21. The GTAA set out that South Holland District Council currently had a total identified need (Travelling, unknown, non-Travelling) for 26 additional Traveller pitches for the period 2016 - 2036
22. The assessment is nearly 10 years old and therefore cannot be considered up to date, even without consideration of the relevant policy change in the intervening years. This is discussed in more detail below.

Other considerations of policy and law

National Planning Policy Framework (NPPF)

23. Paragraph 11 of the NPPF (2024) refers to the ***presumption in favour of sustainable development***, which is at the heart of the Framework and informs both plan-making and decision making. This policy applies equally to the provision of Gypsy and Traveller sites as it does to other forms of development.
24. Planning Policy for Traveller Sites (PPTS) (2024) is to be read alongside the NPPF.

Planning Policy for Traveller Sites (PPTS 2024)

25. PPTS states that its overarching aim is to: *“ensure the fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community”*. In order to do this PPTS sets out a number of aims including:
- *to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites*
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- *to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply*
- *to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure*

26. In our view, the following PPTS policies are also of relevance:

- Policy B: Planning for Traveller sites
- Policy C: Sites in rural areas and the countryside
- Policy H: Determining planning applications for Traveller sites

Human Rights Act 1998

27. Article 8 of the Human Rights Act 1998 is of relevance to the case as failure to grant permission would constitute an interference with home and family life.

PSED

28. As the applicant is a Romany Gypsy Section 149 of the Equality Act 2010 is of relevance

Children's Act 2004

29. The best interests of the children must be treated as a primary concern. There is now as a matter of law a requirement for a decision maker to treat the best interests of any children affected by a decision to grant/refuse planning permission/issue/uphold an enforcement notice as 'a primary consideration'.

30. The requirement comes from Article 3(1) of the UN Convention on the Rights of the Child (UNCRC) and is considered by the European Court of Human Rights to be part and parcel of the consideration of Article 8 rights in any case where a decision of a public body will affect children. In the UK law this translates into the statutory duty in Section 11 Children Act 2004).

THE MAIN ISSUES

31. In summary, it is our view the proposal is consistent with the development plan and planning permission should be granted accordingly.
32. In addition, the specific needs of the intended residents and the pressing need for Gypsy and Traveller pitches nationally is a material consideration that weighs significantly in favour of the proposals.
33. Our discussion of the main issues is set out under the following headings:
- Consistency with the development plan
 - Unmet need / personal circumstances

Consistency with the development plan.

34. The adjacent site was found to be suitable for use as a Gypsy / Traveller site, whilst the LPA refused the application it accepted that the proposal met the criteria in LP policy 20.
35. The criteria of the policy have been copied below (in italics) and responded to in relation to the proposal site.

Additional needs which may arise during the Local Plan period will be met through the determination of planning applications on other, unallocated sites. Planning permission will be granted for proposals on such sites, provided that they meet criteria 1 to 3 [...and a to g].

1. will be adequately provided with appropriate infrastructure such as electricity, drinking-water, waste-water treatment and recycling/waste management;

The site is already connected to mains water and electric and there is adequate space within the site for waste water treatment. The site's location ensures that it can benefit from kerbside waste and recycling collection.

2. will not have a significant adverse effect on the amenities of existing local residents or adjoining land users (and proposals must therefore give careful consideration to layout, landscaping, external lighting schemes, and the type of business uses that would be appropriate (if mixed residential and business use is proposed)); and

There is no reason to expect any adverse impact on the amenity of local residents. The site has been carefully designed and no mixed use is proposed and external lighting can be controlled through an appropriately worded condition.

3. will be successfully assimilated into both their immediate environs and the wider landscape.

The proposal will sit well within the existing pattern of development and surrounding landscape.

a. provide occupants with an acceptable standard of amenity;

The site layout provides a level of privacy and informal space for amenity land.

b. are not located adjacent to uses likely to endanger the health of occupants, such as a refuse tip, water recycling centres or contaminated land;

The adjacent land uses are residential and agricultural and do not present any health concerns.

c. respect the scale of the nearest settled community;

The site is located within a sizable settled community. The proposal alone and in combination with the adjacent site clearly meets this criterion.

d. will not place undue pressure on local infrastructure;

Given the small scale of the proposed site, and its proximity to a sizable settlement, there is no reason to expect the proposal to place undue pressure on local infrastructure.

e. will not adversely affect heritage assets or areas of importance to nature conservation;

The proposal complies with this criterion

f. will not prejudice highway safety or give rise to problems of parking or highway access;

There is adequate space for parking and turning and the access is safe.

g. for sites for permanent residential use they:

i. provide occupants with access to education, health care and recreational facilities, shops and employment within reasonable travelling distances, preferably by walking, cycling or public transport;

The site is well located for easy access to services. A shop, nursery school and bus stop are within easy walking distance of the site.

ii. are suitable (or capable of being made suitable) for mixed residential and business use;

The current application does not propose a mixed use. However, there is additional space within the wider site should this be proposed at a later date.

iii. are not located within Flood Zone 3a or 3b and, if located in Flood Zone 2, the Sequential and Exception Tests have been passed;

The site is in Floodzone 1.

36. Given the above the proposal can be seen to comply with the criteria set out in policy LP20.

Unmet need

37. It is understood that South Holland Council is of the view that it has a 5 year land supply for Gypsy and Traveller pitches. This was not disputed as part of the Appeal on the adjacent site.

38. However, in line with the requirements of PPTS, policy 20 recognises that additional needs may arise during the LP period and is permissive of proposals on unallocated sites if they comply with the list of criteria, as set out above.

39. It should also be noted that not only is the GTAA nearly 10 years old, but the 2024 amendments to PPTS made some significant and favourable changes to decision taking and plan making for Gypsy and Traveller sites. Perhaps most notably, the definition of Gypsies and Travellers now includes “*all other persons with a cultural tradition of nomadism or of living in a caravan*”. This welcome change will inevitably lead to a much larger unmet need for this council and others.

40. For completeness, PPTS now states at paragraph 28 that:

28. 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 National Planning Policy Framework apply.

Personal circumstances

41. If the LPA is not in agreement that the proposal is consistent with the development plan, confidential personal circumstances and Gypsy status of the intended resident can be provided.
42. The personal circumstances of the intended residents are a material consideration of significant weight that need to be understood in the context of the following three legal principles: Human Rights, PSED and the best interests of the child as set out above.

Planning Balance

43. The site is suitable for use as a Gypsy and Traveller site and the proposal is consistent policy. Therefore, in our view the application can be granted consent accordingly.

Yours faithfully,

RMunns

Planning Consultant
Gaia Planning
