



Appeal Decision

Hearing Held on 12 October 2022

Site visit made on 12 October 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Appeal Ref: APP/A2525/W/22/3300517

**Land To The Rear Of Emmanuel House, Main Road, Holbeach Drove,
Spalding PE12 0PS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr George Carman against the decision of South Holland District Council.
 - The application Ref H09-0087-22, dated 31 January 2022, was refused by notice dated 19 May 2022.
 - The development proposed is change of use from paddock to residential use for Gypsy and Travellers (retrospective) to include 2 static caravan pitches, and associated touring caravans.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from paddock to residential use for Gypsy and Travellers to include 2 static caravan pitches, and associated touring caravans at Land To The Rear Of Emmanuel House, Main Road, Holbeach Drove, Spalding PE12 0PS in accordance with the terms of the application, H09-0087-22, dated 31 January 2022, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. On my visit I saw that the appeal site was being used for residential purposes with mobile homes and touring caravans positioned on the plot. As such, the appeal development has commenced although the site was not laid out fully in accordance with the details as shown on the appeal plans. In the interests of clarity, I confirm that my assessment is based on the submitted drawings.
3. The appellant confirmed at the hearing that the development is and would be occupied by Gypsy and Travellers that meet the definition as set out in Annex 1 of the Planning Policy for Travellers document (PPTS). My assessment has been carried out on this basis.

Main Issue

4. The main issue is whether the development would comply with the policies of the South East Lincolnshire Local Plan 2019 (the LP), having particular regard to the issues of need and the location of the development.

Reasons

5. The Council objects to the appeal development on the grounds that planning permission has already been granted for sufficient Gypsy and Traveller pitches to meet the need identified in the Boston and South Holland Gypsy and Traveller Accommodation Assessment 2016 (the GTAA). As such, it contends the development is contrary to LP policy 1. This sets out a spatial strategy that looks to direct development to sub-regional and other service centres. The aim of the policy is to define locations where development would be acceptable.
6. The main part of the appeal site lies outside the defined settlement boundary for Holbeach Drove and so part D of LP policy 1 is relevant. This 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 need of the area in terms of economic, community or environmental benefits”.
7. The wording of Part D of LP policy 1 is permissive rather than restrictive. Furthermore, it does not require evidence that a proposal would meet an identified need. Instead, it simply allows development in the countryside that has to be located in such a location. At paragraph 3.2.17 of the LP, there is recognition that Gypsy and Traveller accommodation may be necessary on sites outside defined settlements. Also, at the hearing, the appellant’s representative explained the difficulties that Gypsies and Travellers have in acquiring land for new pitches within towns and villages due to competing development interests that generate higher land values. The Council does not dispute such claims.
8. Therefore, the evidence indicates that the Gypsy and Traveller site subject of this appeal needs to be located in a countryside location as there is no realistic prospect of it being provided within a town and village boundary. As such, the development does not conflict with Part D of LP policy 1, especially as the policy is permissive rather than restrictive.
9. Also, no particular alternative site for the development within a settlement has been suggested. The Council refer to planning permissions granted for Gypsy and Traveller sites elsewhere. However, at the hearing its representative was unable to confirm whether any of these are within defined settlements or indeed whether any would be available for the intended occupiers of the appeal development. The appellant has advised of an approach he made to the owners of the land at Bleu Raye Farm that has planning permission for a Gypsy and Traveller site. He was informed that the land was not available for pitches. Also, most of the other sites with planning permission are identified as being completed or fully or partly retrospective at the time permission was granted. In the absence of information from the Council, the evidence suggests these sites are already occupied. In any event, it is not a requirement of LP policies that no alternative site should exist in order for new Gypsy and Travellers’ sites to be deemed acceptable.
10. The statement of common ground refers to LP policy 20, which is relevant in the consideration of the appeal as it relates specifically to accommodation for Gypsies and Travellers. As well as allocating specific sites for new pitches, policy 20 recognises that additional needs may arise during the LP period and it is permissive of proposals on unallocated sites provided they accord with a list of criteria. These include that the site provides occupants with access to

education, health, recreation, retail and employment facilities within reasonable travelling distance. It is noteworthy that the Council does not raise objection on the grounds that the appeal development is contrary to policy 20 or any of the criteria it contains. I find no reason to disagree with the Council in this respect.

11. The GTAA identifies a need over the LP period for 4 pitches to accommodate new households formed from identified Gypsy and Traveller households already living in the South Holland district. Also, it estimates a need of 13 new pitches from 'unknown' households or from those Gypsies and Travellers in the district that were not interviewed as part of the survey work behind the GTAA.
12. The Council has provided information to show that planning permission has been granted for 17 pitches and so sufficient numbers to address the total need identified in the GTAA. However, LP policy 20 is not worded so as to resist the development of Gypsy and Travellers sites over and above the identified need. The intended occupiers of the site were not interviewed as part of the survey work behind the GTAA as they lived outside the district at the time. Moreover, the GTAA makes no allowance for in migration into the district in arriving at its findings on the level of need for further pitches. The Council do not dispute that the appeal development would provide a site for the intended occupiers to live on. As such, the appeal development would address a need for accommodation that was not accounted for in the GTAA.
13. The evidence provided on planning permissions indicates that the Council can demonstrate a supply of five years' worth of sites against the need identified in the GTAA. However, it does not follow that any further proposals that come forward would be contrary to the provisions of the LP as no maximum number of pitches is identified within any policy. Also, I am mindful that the GTAA is not a recent document and its findings are partly based on estimations of need. In light of these factors, I am unconvinced by the Council's claim that there is sufficient sites with planning permission to address all the accommodation needs of Gypsies and Travellers in the district.
14. Therefore, I find the appeal development meets an additional need for pitches, which is permissible under the terms of LP policy 20. Also, it complies with the criteria as set out in the policy. For the above reasons, I conclude the development accords with LP policies 1 and 20 in terms of need and the location of the development.

Other Matters

15. The appellant's case includes comments that relate to the personal circumstances of the occupiers of the development. However, I have found the scheme is acceptable in regards of the main issue and so there is no need for me to consider these matters further.
16. Interested parties have raised other concerns with the development. I understand that previous applications for housing on the appeal site have been refused. However, for the reasons already provided, I have found there is a need for the development to be on land outside the defined settlement boundary and in the countryside. Therefore, it is different to any proposal for housing.
17. The development is seen from the road near to buildings at adjoining properties and so it is in keeping with the character and appearance of the

surrounding area. Also, it is within reasonable distance of facilities both within Holbeach Drove and at other settlements. There is no substantive evidence to show the development places an unacceptable burden on local services.

18. The access provides sufficient visibility onto the road and it is positioned so as to avoid any significant hazard to traffic. The residential use is unlikely to harm the living conditions at nearby dwellings as a result of noise or disturbance. I have considered the appeal on the basis of its own merits and so a decision to grant permission would not set a precedent that is bound to be followed in the determination of other proposals. These concerns do not justify a refusal of planning permission and so they do not affect my overall conclusion.

Conditions

19. I have considered the conditions suggested by the Council, having regard to the tests in the National Planning Policy Framework. Where appropriate, I have amended the wording for precision reasons.
20. A condition setting out the approved plans is imposed for reasons of clarity and to ensure the development is carried out as indicated. The scheme is advanced on the basis it would accommodate people who meet the PPTS definition of Gypsies and Travellers. It is fundamental to the acceptability of the scheme to impose a restriction on occupation as I have no evidence that a residential caravan site without limitations would comply with development plan policies.
21. To ensure a satisfactory appearance and living conditions, I include a condition that limits the number of pitches and caravans on the site. However, as the development is a residential use, there is no reason to restrict commercial activities as planning permission would be required in any case.
22. At the hearing, a condition on drainage was discussed. To ensure foul and surface water from the development is dealt with appropriately I attach a drainage condition. Also, a landscaping condition is required to ensure a satisfactory appearance. These conditions have been worded to take account of the fact that the development has commenced.
23. The Council's representative accepted at the hearing that a condition removing permitted development rights is unnecessary. I agree as such rights for the site are limited and it has not been shown how these would lead to any detriment to the character of the area.

Conclusion

24. The development is acceptable in terms of the main issue and so it accords with the LP when read as a whole. There are no other reasons that justify a refusal of planning permission and so I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Michael Hargreaves, acting for

George Carman	Appellant
Janie Codona	Supporter
George Michael Carman	Supporter
Cliff Codona	Supporter
Debbie Carman	Supporter

FOR THE LOCAL PLANNING AUTHORITY:

Mark Simmonds	Planning Consultant
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LIST OF DOCUMENTS SUBMITTED AT THE HEARING:

1. Boston and South Holland Gypsy and Traveller Accommodation Assessment Final Report November 2016

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: EH01 and EH02.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 to "Planning Policy for Traveller Sites" published by the Department for Communities and Local Government in August 2015 (or its equivalent in replacement national policy).
- 3) There shall be no more than 2 pitches on the site. There shall be no more than 1 mobile home and 1 touring caravan stationed on pitch 1 as shown on the approved plans at any one time. There shall be no more than 1 mobile home and 2 touring caravans stationed on pitch 2 as shown on the approved plans at any one time.
- 4) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for the means of foul and surface water drainage of the site shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation and details on how the systems are to be managed.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the drainage scheme or fail to give a

decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted drainage scheme shall have been approved by the Secretary of State.
- iv) The approved drainage scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved drainage scheme specified in this condition, that scheme shall thereafter be retained and managed in accordance with the approved details. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 5) The scheme of landscaping and tree planting shown on the approved plans shall be carried out and completed in its entirety during the first planting season following this decision. All trees, shrubs and bushes shall be maintained for the period of five years beginning with the date of planting and during that period all losses shall be made good as and when necessary.