

Appeal Decision

Hearing Held on 30 April 2019

Site visit made on 30 April 2019

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 18th June 2019

Appeal Ref: APP/H0520/W/18/3196305

Land on south side of Middle Drove, Ramsey Heights, PE26 2RG

- 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 Nathan Smith against the decision of Huntingdonshire District Council.
- The application Ref 17/00591/FUL, dated 16 October 2016, was refused by notice dated 24 August 2017.
- The development proposed is the proposed siting of two touring caravans for one extended gypsy/traveller family (retrospective).

Decision

1. The appeal is allowed and planning permission is granted for the proposed siting of two touring caravans for one extended gypsy/traveller family at Land on south side of Middle Drove, Ramsey Heights, PE26 2RG in accordance with the terms of the application, 17/00591/FUL, dated 16 October 2016 and the amended plans submitted with it, subject to the attached schedule of conditions.

Procedural Matters

2. During the course of the original application, the development was amended from *'proposed 1 static caravan and 1 touring caravan with a day room for one extended gypsy/traveller family'* to *'the proposed siting of two touring caravans for one extended gypsy/traveller family.'* Amended plans were also submitted to reflect this change. At the Hearing, during the discussion relating to conditions, the appellant expressed a preference for my determination to relate to 2 caravans, with the type (either touring or static) to be unspecified.
3. The application relates to the change of the use of the land, rather than detailed caravan design. However, the Council determined the application on the basis of two touring caravans and in light of the main issues I have determined the appeal on this basis of the terms that were assessed by the Council. To do otherwise would be potentially prejudicial in terms of fairness to the Council and other potentially interested parties who may have wished to express a view on such a proposition.
4. The application is retrospective insofar as the site is currently being used as a gypsy/traveller site. I saw that there were 2 static caravans at the site plus a further touring caravan at my visit, but understand from the appellant that one

of the static caravans would be removed in due course in any case. For the avoidance of doubt, I have determined the appeal based upon the information and submitted amended plans before me, rather than what I saw at the site.

5. As reported in the Council's Committee Report and Appeal Statement, the site was subject of two enforcement notices which were served in 2016. Ahead of the Hearing it came to light that these notices may not have been served correctly and it was held by the appellant that these were null on that basis. The appellant also provided information citing the lawfulness of the use of the site and the hardstanding, and on this basis requested a deferral of the Hearing, pending the outcome of discussions on these issues and the application for a Lawful Development Certificate.
6. At the Hearing itself, the Council confirmed that the notices were invalid and should be disregarded for the purposes of this appeal. In respect of the appellants request for a deferral, any dispute in terms of the lawfulness of the development is not before me as an appeal made under section 78 of the Town and Country Planning Act 1990. Accordingly, any future application or action relating to this would be unaffected by my determination of this appeal. The Hearing proceeded on this basis with the agreement of parties.
7. At the time of the Council's decision and the Hearing, the development plan for the area included the saved policies of the Huntingdonshire Local Plan 1995 and the Huntingdonshire Core Strategy 2009.
8. The Draft Huntingdonshire Local Plan 2036 (LP) had also been examined and the Inspectors Report into the plan had been published the day before the Hearing and was discussed at the event. The plan was subsequently adopted on 15th May 2019 and the plans as referenced above are now superseded. The main parties were given an opportunity to comment on this change. I have therefore taken my decision against the policies in the newly adopted LP as the development plan for the area.
9. For clarity, the draft Policy references in the Decision Notice have been renumbered as part of the final adopted plan. It was clarified at the Hearing that Policy LP5 (Flood Risk), LP10 (The Countryside) and LP 27 (Gypsies, Travellers and Travelling Showpeople) are the relevant policies and that these have been renumbered from draft versions of the plan. It was also clarified that Policy LP11 (renumbered from LP12) relating to Design Context was not particularly relevant to the appeal proposals.

Main Issues

10. The main issues are:

- (a) Whether or not the proposal would provide a suitable site for the siting of caravans having particular regard to its location within Flood Zone 3;
- (b) the effect of the proposed development upon the character and appearance of the area; and,
- (c) whether or not there are other considerations weighing in favour of the proposed development.

Reasons

Site Description

11. The appeal site comprises a roughly 0.18 hectare rectangular site which is accessed via an unmade track leading from the south side of Middle Drove. The site is located to the west of Ramsey Heights, a small settlement with no local services and facilities. Ramsey St Marys is around 2 miles away and contains a primary school, church, and convenience store.
12. The site forms part of the fenlands landscape which comprises low-lying and flat landscape of arable fields bisected by a system of drainage channels and straight roads. The area is rural in character and with sporadic development along Middle Drove.
13. It was established at the Hearing that there are a number of gypsy and traveller sites along Middle Drove, as well as in the wider area. Based upon the information supplied, there are 3 sites along Middle Drove which benefit from permanent planning permission, along with a further 3 sites which have temporary permission for 5 years. There are also a number of additional unauthorised sites in the area (including the appeal site) as well as a further unauthorised mobile home but which is not a gypsy and traveller site.

Gypsy and Traveller Status

14. It is important to ascertain whether the appellant/occupiers have traveller status in planning terms, as defined in Annex 1 of the PPTS. In this case the Council has not contested traveller status. The appellant has submitted evidence of regular travelling for economic purposes. On that basis, I have no reason to doubt that the appellant/occupiers fall within the PPTS definition.

Flood Risk

15. The National Planning Policy Framework (the Framework) seeks to direct development away from areas at the highest risk of flooding and a sequential approach is advocated. If it is not possible to locate development in areas of lower risk of flooding, an exceptions test may be applied which requires that flood risk to people and property will be managed satisfactorily. The application of the exceptions test is, however, dependant on the vulnerability of the site and type of development proposed.
16. Policy LP27 of the LP sets out a criteria based approach to Gypsy and Traveller and Travelling Showpeople development proposals, requiring that the health and safety of occupants is not put at risk, including through unacceptable flood risk. Policy LP5 relates to Flood Risk and follows the approach adopted by the Framework.
17. The appeal site lies within Flood Zone 3 (a), as defined by the Environment Agency with 1 in 100 or greater probability of river flooding. Table 2: Flood Risk Vulnerability Classification contained within the Planning Practice Guidance (PPG) categorises caravans and mobile homes as highly vulnerable forms of development. Permission is sought for the siting of 2 touring caravans and as such would fall into this category.
18. Table 3 of the PPG makes it clear that highly vulnerable developments should not be permitted in flood zone 3, irrespective of whether it might pass the

sequential and exceptions tests. The approach is supported by paragraph 13 g) of the Planning Policy for Traveller Sites 2015 (PPTS).

19. In this regard the development is in clear conflict with the LP Policy, the PPTS, the PPG and the Framework. The appellant acknowledged this point at the Hearing, however considers that there are a number of material considerations which need to be considered at the site.
20. The nearest rivers, the River Nene and the Great Ouse, are located over 12km away from the site and are protected by defences. The Fens are a flat and low-lying agricultural historic landscape which has been artificially drained. Much of the area lies below sea level at around minus 1.11 above Ordnance Datum (AOD) and without drainage and flood protection, this area would be prone to significant flooding, hence the Flood Zone 3 classification. A network of drainage channels and pumping stations surround the site and these are managed by the Ramsey, Upwood & Great Raveley Internal Drainage Board (IDB) with the nearest main drain open watercourse around 50m from the site, to the west. It is common ground that the flood risk at the site relates to these watercourses, rather than from the rivers.
21. The appellant contends that due to the strict management of the watercourses by the IDB, flood risk at the site is minimal. The submitted Flood Risk Assessment (FRA) provides a detailed assessment of the sources of flooding and I agree that due to the management and maintenance standards achieved by the IDB, the probability of the failure of nearby pumping stations and defences to be low both currently and in the longer term when taking into account effects upon climate change. In addition, were such an event to occur, due to the nature of the drained system as a network of interlinked pumps, this would not form a rapid inundation of flood water and there would be time to take precautionary actions.
22. While much of the area is below sea level, the land levels at the site are generally 1m AOD while the Flood Zone 3 classification is based on the majority of the IDB area being -1.11AOD. The appellant stated at the Hearing that they cannot dispute the Environment Agency mapping but considers that such site specific factors need to be considered in the balance.
23. I am also mindful that the Environment Agency were clear in their consultation response that they raised no objection to the application, and that this position has been consistently maintained in their responses to other similar developments along Middle Drove. The IDB rely on only standing advice and made no comments regarding the specific proposals.
24. Ultimately it was for the Council to assess the proposals and they were clearly not satisfied that the proposed development would be safe and refused consent accordingly. However, as a statutory consultee, it is notable that the Environment Agency did not follow the strict policy line in respect of Flood Risk when considering the proposals at the site, as well as when considering other sites in the locality.
25. In their assessment of the proposals, as cited in the Officer Report, the Council did consider that both the Sequential Test and Exceptions Tests to have been met, notwithstanding the fact that caravans are exempt from assessment by the Framework and PPG. This was a point which was highlighted by the appellant, although the Council were clear in their defence in terms of the

policy preclusions of permanent residential caravans. As stated above, these tests do not strictly apply, but I do accept that some of the matters considered as part of the sequential and exceptions tests are capable of being material considerations outside of this.

26. In terms of alternative sites, the submitted Sequential Test does show that there are no other similar sites elsewhere in Huntingdonshire with a lower risk of flooding, although it was later suggested in the Hearing that alternative sites could be found, in terms of general need. I shall deal with need for gypsy and traveller sites and alternatives in my assessment under my third main issue, however, I am satisfied that from the information provided within the Sequential Test, there are no alternative sites available to the appellant at a lower risk of flooding.
27. The submitted FRA outlines a number of flood reliance measures which were supported by the Environment Agency as well as the Council's Emergency Planner and in light of the amended nature of the application to 2 touring caravans, as opposed to 1 static caravan and 1 tourer, the situation would be likely to be improved from the positive conclusions of the FRA as touring caravans could be relocated more rapidly were a flood event to be likely. It would also take 2-3 days for floodwater to travel towards the site. I therefore consider that a reliable evacuation plan could be implemented at the site, in accordance with the FRA which would reasonably manage the risk to occupants.
28. The appellant considers that the Council's 2017 Strategic Flood Risk Assessment (SFRA) is flawed as it does not take account of defences. My attention was drawn to a paper by the Council dated 18th September 2017 which dealt with Flood Defences and Flood Risk of Housing Developments. This paper deferred to the 2010 SFRA documents as the basis for decision making for villages entirely in Flood Zone 3 in the 2017 document but recognised as being in Flood Zone 1 in the 2010 document. However, in the previous iteration of the SFRA report in 2010 which did take into account defences, the appeal site was also classified as being in Flood Zone 3 and thus the approach taken would not have applied in any case. In light of the adoption of the new LP, I am also doubtful that the stance based on the 2017 paper is also still appropriate.
29. My attention was also drawn to the other approvals in the vicinity of the site and consistency in decision making was raised as an issue. At the Hearing the Council accepted that they had incorrectly applied the Sequential and Exceptions Tests, and finding no harm in terms of flood risk in some of the previous approvals. From a review of the Committee Reports submitted at the Hearing, it is clear that different approaches and the sometimes incorrect application of policy has been taken. However, this factor and the presence of other sites in the vicinity would not provide justification of the development before me which I must determine on the basis of its own merits.
30. The Council also made reference to the Inspectors Report into the LP whereby a number of Main Modifications were recommended by way of removal of proposed site allocations based upon flood risk. It is clear that the Inspector was concerned regarding flood risk, but in removing some of the allocations based upon flood risk, the Inspector was clear that that an adequate supply of housing could be provided without those site allocations. Moreover, the LP does

not allocate specific gypsy and traveller sites and the site allocations referenced relate to typical 'bricks and mortar' developments. Accordingly, while I accept that the Inspector was clearly concerned in respect of flood risk, the approach taken was in-line with the Framework and assessments were made based upon evidence and the benefits/disbenefits of each site put forward. I do not therefore consider that the appeal proposals are directly comparable, nor that my conclusions on this issue run counter to that.

31. Taking all of the above into consideration, the development is highly vulnerable to flooding, to such a degree that it is contrary to LP Policy LP5 and LP27 as well as the PPTS, the PPG and the Framework. This carries substantial weight against the scheme. However, this harm is tempered by key site-specific circumstances in terms of the lack of alternatives, as well as the on site risk and its management which do weigh in favour of the scheme in terms of flood risk. In light of this, whether it would be reasonable or appropriate to grant planning permission, permanently or temporarily, will also depend on the overall balance of other considerations. I shall weigh these factors against each other in due course.

Character and Appearance

32. As summarised above, the area around the appeal site is characterised by sporadic development in the flat fenland countryside. The immediate surroundings of the appeal site along Middle Drove comprises ribbon developments of houses and traveller sites on both sides of the road, interspersed by open fields and paddocks with stable buildings.
33. LP Policy 10 requires that development in the countryside recognises its intrinsic character and beauty and does not give rise to impacts that would affect its use and enjoyment. Policy 27 seeks to strictly limit new sites in the open countryside and requires that the character and appearance of the wider landscape is not significantly harmed and that sites do not dominate communities. This reflects the PPTS, although such developments are not precluded as a matter of principle. The PPTS also requires that sites should also be well planned or soft landscaped in such a way to positively enhance the environment and increase its openness and it is made clear that sites should not be enclosed with 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.
34. It is inevitable that any built development on an open field will have an effect upon the landscape character and there are visual effects. The development is effectively 'in-depth' and represents a change in terms of the general pattern of development in the vicinity which typically is positioned near to local highways. This was a fundamental concern of the Council.
35. However, I am mindful that the site is relatively small as the site is for a single pitch and would have 2 touring caravans. Crucially, and discounting the presence of unauthorised sites in the vicinity of the appeal site, the separation of the site from the existing traveller sites to the front of Middle Dove does help to maintain a semblance of the sporadic character of the area.
36. While the location of the site is effectively an outlier against the ribbon development along Middle Drove, I do not therefore consider that the development presents an unsightly intrusion into the local landscape in this

regard and it is consistent with the subdivision of land into paddocks and the placement of small stable buildings in depth, which I saw at my site visit.

37. Landscaping would need to be carefully considered to maintain the open character of the fen landscape, however this is a matter that could be dealt with by condition.
38. While there are a number of other traveller sites in the vicinity, I am satisfied that the development does not dominate the settled community, in terms of pressure on local infrastructure. Future applications for other sites for permanent permission would be assessed based upon their own merits and I do not consider that this application would set a precedent for further development in this location.
39. On balance, though there is a change in the appearance of the site, the proposal is not out of place in an area which is characterised by sporadic development. Accordingly, I find no harm to the character and appearance of the area and no conflict with the LP Policies 10 and 27, as well as the PPTS.

The general need for and supply of gypsy and traveller sites

40. At the time of making their decision on the application, the Council considered that they could not demonstrate a 5 year supply of traveller pitches at that time, based upon the 2016 Cambridgeshire (excluding Fenland), King's Lynn and West Norfolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment 2016 (GTAA) which identifies a need in the District for 9 permanent pitches for the period 2016-2036 with a need for 7 pitches between 2016-2021 plus a further 19 pitches for "unknown" households. However, the Council have since granted permission for 9 pitches, thus meeting the total specific need.
41. This position was accepted by the Inspector for the Local Plan, as evidenced in the Report. The LP does not allocate sites but LP Policy 28 does allow for additional new sites to be developed on a criteria basis and the Inspector considered that this would accommodate the need for the "unknown" households as identified in the GTAA.
42. The Council thus considers that there is no demonstrable need, but the appellant challenged the findings of the GTAA on a number of grounds and while they noted the Inspector's report, they consider that the Council remain unable to demonstrate an adequate pitch supply.
43. Specifically, concern was raised around the methodology employed by the GTAA and a lack of factoring in the fact that many of the sites (excluding Council owned sites) are unlicensed and thus should not be counted, even if they have been granted planning permission. The appellant opined that many sites would not be able to get a licence based upon safety and fire risk due to overcrowding.
44. Moreover, it was held that the assumptions made by ORS (who undertook the GTAA) in terms of "unknowns" which utilised a figure of 10%, based upon the national statistics, is now out of date as a figure of 25% is now widely used by ORS, based on updated research which post-dates the publication of the GTAA. Finally, it was considered by the appellant that the number of unauthorised sites currently along Middle Drove is indicative of a greater level of need than that reflected by the GTAA and that the study itself is incorrect as there is no

record of the unauthorised appeal site, in spite of it being in use as a traveller site at the time of the survey.

45. Taking each matter in turn, I note the concerns of the appellant regarding licencing and overcrowding, although examples cited were nationwide rather than on a local basis and there no specific evidence presented before me in terms of overcrowding in Huntingdonshire. GTAA assessments are a relatively blunt instrument and they do have their limitations, as recognised by the document itself. Licencing is a separate matter to the grant of planning permission and while I note the appellant's concerns in terms of GTAA counts being based upon the latter, the fact remains that the 2016 GTAA was accepted by the Inspector examining the LP and that the LP was found sound, in part on that basis.
46. However, it was brought to my attention at the Hearing that the figures for Huntingdonshire were not challenged at the time the plan was examined but in South Cambridgeshire the examining Inspector has asked for a review of the same document, which would update include a review of Huntingdonshire as part of that in the near future.
47. I do accept that the GTAA is of some age and does naturally have a shelf-life and there are clear updates to the baseline assumptions made by the ORS in terms of "unknowns" since its publication. I also have question marks around the assessment of unauthorised development which, on analysis, do not appear to fully have reflected the position along Middle Drove at that time.
48. But the fact is that the 2016 GTAA is currently the best evidence available to me. While the Council can clearly demonstrate they have met the baseline need for 9 pitches, there is still unmet need in terms of the "unknowns" be it for the 19 pitches identified by the GTAA or a greater level than anticipated. Regardless of the Council's position in terms of the 5-year supply being met, the matter of need therefore weighs in favour of the appeal proposals as a material consideration.

Alternative Accommodation

49. In the discussion at the Hearing relating to flood risk, the Council maintained their position that the Sequential Test was passed and that there was a lack of alternative sites available that were at a lower risk of flooding. However, in the discussion regarding general need, they changed their position, citing that alternative accommodation could be available.
50. The Sequential Test is a specific assessment relating to flood risk, but it cannot be denied that there is a discrepancy in the Council's opinion that the test is met, against claims that there are general alternative sites available to the appellant. The Council was however, unable to suggest an alternative site that the appellant's might be able to relocate to in the longer term and while evidence presented was scant, I am persuaded that there are no other permanent pitches currently available to the appellant.
51. The appellant purchased the site at below market costs from a family member due to a lack of affordability and while financials and ownership of the site is not determinative in terms of locating here, the fact that the site is owned is clearly a realistic advantage in favour of the site as opposed to others.

52. It is therefore highly probable that should the appeal fail, the appellant would be obliged to occupy unsuitable and unlawful sites elsewhere, including roadside encampments. This therefore weighs in favour of the appeal proposals.

Personal Circumstances

53. The appellant has three children, two of whom are school aged children and one toddler. In addition, the appellant's school aged nephew resides with the family due to specific family circumstances which were explained at the Hearing as part of providing that child with a family base.
54. At the present time, some of the children are educated at the local school and some elsewhere in Peterborough, although they are on the waiting list for the local school. The family are not registered with the local GP Surgery, using walk-in-centres for any medical needs.
55. It is self-evident that families benefit from a stable base to access educational and healthcare facilities and the best-interests of the children would be served by granting consent for the change of use of the land. The personal circumstances of the family as a whole, in tandem with a lack of alternative accommodation for them to move to carries substantial weight.
56. I am also mindful of the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Since the appeal is made for a gypsy site and the proposed occupiers are travellers, they are persons who share a protected characteristic for the purposes of the PSED. Although it does not automatically follow that the appeal should succeed, the need for sites and the lack of any identified sites in the development plan may indicate inequality of housing opportunity for gypsies and travellers. The equality implications add further weight in favour of the scheme.

Other Matters

57. Local concern was raised in terms of highway safety effects, however while Middle Drove is narrow in parts and has a poor-quality surface, I am mindful that the Highways Authority raised no objections, subject to conditions. Having viewed the conditions along Middle Drove, I am also of the view that there is no harm to highway safety.
58. The assertions made regarding police activity and the sources of funding of the sites is not a matter I can give any weight to.

Planning Balance

59. I have found no harm in terms of the character and appearance of the area arising from the development. The development also helps to meet an identified need for gypsy and traveller sites and together with a lack of suitable alternative accommodation in the District and the personal circumstances of the family, as well as the PSED, weigh heavily in the appellants favour. The best interests of the children particularly support their case in this regard.

60. However, the scheme has harmful implications in terms of flood risk, which amounts to a serious consideration in light of its consequences and the clear policy conflict in this regard. Nonetheless, I am mindful that the site specific circumstances and management proposals are as such that the flood risk could be effectively managed and minimised on the appeal site.
61. At the Hearing, the appellant stated that they would be agreeable to a temporary permission being granted, and in light of my concerns regarding flood risk, this would further minimise risk to a finite and temporary period, until such a time as more suitable pitches become available to which the appellant could relocate.
62. In granting a time limited permission, this would interfere with the rights of the family under Articles 1 and 8 of the Human Rights Act 1998, but I am satisfied that suitable and reasonably local alternative sites would in all probability be available in 5 years time and it is unlikely that the family would be rendered homeless at that point. The granting of a temporary permission would therefore be proportionate in terms of the Act.
63. Overall, I conclude that these factors stack up in the appellants favour and are sufficient to outweigh concerns regarding flood risk as to justify a departure from LP Policies LP5 and LP27 as well as the PPTS and the Framework.

Conditions

64. I have considered the conditions suggested by the main parties and discussed at the Hearing. The site is unsuitable for long term residential occupancy by reason of its vulnerability to flooding and thus the permission should be restricted to a period of 5 years of the date of the decision and on a personal basis. As discussed at the Hearing, I have added in a clause in terms of the restoration of the land, in light of any future consideration of a Lawful Development Certificate at the site (1).
65. Given the nature of the application and my findings in respect of the need for gypsy and traveller accommodation, I have imposed a condition limiting the occupation of the site to gypsies and travellers. Similarly, the scale of development has been restricted, this would also protect the appearance of the area, although a controlled exemption is made for visiting family, as put forward by the Council. This is reasonable in my view. (2-4)
66. I have imposed conditions relating to drainage and flood resilience measures (5-6) which are necessary in terms of the flood risk at the site. In addition, I have imposed a condition relating to landscaping and lighting (7) in order to protect the character and appearance of the area. These are written in this form in order to require the appellant to comply with a strict timetable for dealing with these issues which needs to be addressed in order to make the development acceptable. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place.
67. These conditions therefore provide for the loss of the effective benefit of the grant of planning permission where the detailed matters in question are not

submitted for approval during the time set by the condition, approved (either by the local planning authority or by the Secretary of State on appeal), and then implemented in accordance with an approved timetable. Should the requirements of the condition not be met in line with the strict timetable, then the planning permission falls away.

68. To safeguard the amenity of local residents, as well as the character and appearance of the area conditions are necessary to prohibit commercial activities, the storage of materials and the use of large vehicles at the site (8-9). Additional fencing or enclosure should also be controlled, again in terms of character and appearance (10). I have also imposed a condition relating to obstructions under the caravans, in terms of human health from the potential effects of ground gasses (11).
69. I have not however imposed a condition in terms of the improvement for Middle Drove leading to Ugg Mere Court Road as depicted in drawing DE0001. This condition has been imposed on a number of other approvals along Middle Drove which, in my view, diminishes its necessity as part of these proposals.
70. However, I saw that the junction improvements have yet to be implemented and at the Hearing it was explained there had been difficulties in implementing this condition by all of those applicants it had been placed upon. No other mechanism has been put forward to secure the works. The junction does have more limited visibility than is ideal but in terms of this particular permission before me, the addition of 1 further pitch would not, in my view, necessitate the works on highway safety grounds, particularly as this stands to be implemented by other means which the Council needs to address.
71. Moreover, in light of the temporary grant of consent, I also consider this would place a disproportionate burden on the appellant and would not be reasonable in that respect.
72. Finally, I have not imposed a plans condition, instead the terms of the permission at the head of this consent relate to the amended plans submitted with it. This was due to issues around labelling of the submitted plans, however it is clear that the approval relates to the plans as amended, for 2 touring caravans, and this is also controlled under condition 3.

Conclusion

73. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

C Searson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Stuart Carruthers	Agent
Nathan Smith	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Cundy	Huntingdonshire District Council (Area Manager)
Nigel Swaby	Huntingdonshire District Council (Planning Enforcement Officer)
Clare Bond	Huntingdonshire District Council (Planning Policy Team Leader)

DOCUMENTS

- 1 Sample Neighbour Letter
- 2 List of Neighbours and Contributors
- 3 Local Plan Policies from Huntingdonshire Local Plan to 2013 Proposed Submission 2017 (Submitted March 2018) plus itemised list of updated policy references updated from the previous 2017 consultation draft.
- 4 Inspectors Report on the Examination of the Huntingdonshire Local Plan dated 29 April 2019 plus table of main modifications.
- 5 Maps (scale 1:7568, 1:1250 and 1:1892) depicting gypsy and traveller sites in the locality plus itemised cross referenced list providing details of the sites.
- 7 Copy of Middle Level Commissioners Standing Advice on Development Management.
- 8 Huntingdonshire SFRA Flood Map for the appeal site.
- 9 Extract from email dated 12 February 2018 relating to Fire Officer Advice for a site in Swaffham and Saddlebow.
- 10 Aerial view of Gypsy and Traveller site in St Neots, taken from Google.
- 11 Cambridgeshire, King's Lynn & West Norfolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment October 2016.
- 13 Copies of Committee Reports for 14/00997/FUL, 15/00075/FUL, 15/00273/FUL, 16/02196/FUL, 17/00592/FUL, & 17/00593/FUL.

SCHEDULE OF CONDITIONS

- 1) The use hereby permitted shall be carried on only by the following: Mr and Mrs Nathan Smith and their resident dependants, and shall be for a limited period being the period of 5 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.

At the end of this period the use shall cease and all caravans, structures, equipment and materials (including hardcore and hardstanding) brought onto the land for the purposes of such use shall be removed within 28 days and the land restored to grassland, unless this were to be superseded by any grant of Lawful Development Certificate at the site.

- 2) The site shall not be occupied by any persons other than gypsies and travellers as defined by the Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 3) There shall be no more than 1 pitch on the site, and subject to the exception specified in condition 4, no more than 2 touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, shall be stationed at any time.
- 4) On not more than 28 days in any calendar year, of which no more than 14 shall be consecutive days, not more than 1 additional caravan which is capable of being lawfully moved on the public highway without division into separate parts may be stationed on the pitch.
- 5) 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 2 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.
 - ii) If within 6 months of the date of this decision the local planning authority refuse to approve the 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained. 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.

- 6) 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 below:

- i) Within 1 months of the date of this decision the flood resilience measures as detailed within the Flood Risk Assessment (sections 8 and 10) and the evacuation measures comprising the submitted Flood Evacuation Plan and a Flood Evacuation Map shall be implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained for the lifetime of the development. 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.

- 7) 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 external lighting and hard and soft landscaping 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.
- ii) If within 6 months of the date of this decision the local planning authority refuse to approve the 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 scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved schemes specified in this condition, those schemes shall thereafter be maintained. 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.

- 8) No fences, gates or walls other than those expressly authorised by this permission shall be constructed.
- 9) No commercial activities shall take place on the land, including the storage of materials.
- 10) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.