

Herefordshire Council

STATEMENT OF CASE

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL UNDER SECTION 78

By

Mr & Mrs C Smith, Oakview against the decision of the County of Herefordshire District Council - Non determination for Variation of Condition 2 of APP/W1850/C/09/2119597 - no more than 3 caravans. Add static mobile home., on land at Oakview, Eccles Green, Norton Canon, Herefordshire, HR4 7BH.

Grid Reference:	337639, 248507
Planning Inspectorate Reference:	APP/W1850/A/w/18/3203473
Local Planning Authority Reference:	173129
Date of Statement of Case:	10 January 2019

1. Description & Proposal

- 1.1 The appeal site is on the western side of the A480 from which it gains access . It is an established site for gypsy / travellers granted approval following an allowed appeal of 28 July 2010 (reference APP/W1850/C/09/2119597).
- 1.2 The proposal is seeking to vary condition 2 to the above mentioned planning approval to allow for an additional caravan for a family member, Mr Smith's mother.

2. Background to application

- 2.1 The delay in determination application was in part due waiting for a consultation response from the Council's Highways Officer.

3. Planning Policies

- 3.1 Herefordshire Local Plan - Core Strategy

Policy SS1 – Presumption in favour of sustainable development

Policy SS6 – Environmental quality and local distinctiveness

Policy RA3 – Herefordshire's countryside

Policy H4 – Traveller sites

Policy MT1 –Traffic management, highway safety and promoting active travel

- 3.2 NPPF (2018)

4. Explanatory Comments

- 4.1 Representations were only received from the Kinnersley Group Parish Council who objected , but without setting out reasons for doing so,.
- 4.2. The Highways department have requested that details for parking , in order to ensure that vehicles join the A480 road does not occur.

5. Grounds of Appeal

- 5.1 The planning authority would have supported the application subject to conditions as set out below in Appendix A . This is given that this is an established site which is well landscaped and has good visibility in both directions on the class I road. This stance is reinforced by the need to find more pitches across the county as evident at the time of the allowed appeal and as agreed by an Inspector reporting on the Council's Travellers Sites Development Plan in June 2018 , which has reached Examination Stage. (see Appendix B)

6. Conclusions

- 6.1 The local planning authority supports the siting of one further static or mobile home. The site is well landscaped and has an access point providing satisfactory visibility . There is sufficient area for manoeuvring vehicles. The development accords with Policy H4 and the emerging Traveller's Sites Development Plan Document

6.2 . The Inspector is therefore respectfully requested to support the Council's decision to approve consent and, for the above reasons to **ALLOW** this appeal.

Annexes:

- A. **Suggested Planning Conditions**
- B. **Inspector's Post Hearing Advice , June 2018 – Examination of Travellers Sites Development plan Document.**

Annex A : Suggested Planning Conditions

Annex A : Suggested planning conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990

- 2 The development shall be carried out strictly in accordance with the approved plans (location plan and block plan (scale 1:500), except where otherwise stipulated to this permission

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of Herefordshire Local Plan-Core Strategy and the National Planning Policy Framework (2018)

- 3 No more than 3 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the caravan Sites act 1968 (of which no more than 2 shall be a static caravan or mobile home) shall be stationed on the site at any time.

Reason ;In order to define the terms to which the application relates and to accord with Policy H4 in the Herefordshire Local Plan-Core Strategy

**Annex B : Inspector's Post Hearing Advice , June 2018 – Examination of Travellers
Sites Development Plan Document.**

HEREFORDSHIRE COUNCIL
Examination of Travellers Sites Development Plan Document

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Webpage: [Travellers' Sites Document examination](#)

Dear Mr Singleton & Ms Newey

INSPECTOR'S POST HEARING ADVICE

1. As indicated in my closing comments at the hearing (INS005) this letter sets out advice about the steps that should be taken to make the Travellers Sites Development Plan Document (TSD) sound.
2. I have given full consideration to the representations made about the TSD including the verbal contributions at the hearings. My final conclusions regarding soundness and procedural compliance will be given in the report in due course. Nevertheless, having regard to the criteria for soundness and to assist for now, I shall give brief explanations for my preliminary advice.
3. Further evidence may emerge and I will need to take account of any representations received following consultation on any proposed main modifications. My views are therefore given here without prejudice to the conclusions that will appear in the report. This will also cover other main soundness issues that are not dealt with in this letter.

Need for and supply of traveller sites

4. Following the discussion at the hearing I consider that a useful first step would be to revise Table 5.1 of the Herefordshire GTAA update of 2017 (A13). In order to relate as closely as possible to the likely adoption date of the TSD it should cover the provision of a 5 year supply of specific deliverable sites from 1 April 2018. Therefore the table should concern itself with the period 2018/19 to 2022/23 although it can be based on the survey work largely undertaken in April/May 2017. This should be reflected in the heading.
5. A series of detailed adjustments should then be made based on my understanding of the evidence presented:
 - The total number of households living on pitches in section 1 will have increased due to the 5 previously vacant pitches now occupied and possibly the 2 extra pitches given planning permission after April 2017;
 - The total number of households in bricks and mortar recorded in the census serves no purpose and therefore 2a in the table can be omitted;

- The 5 households listed as planning to move to another pitch or site in the next 5 years at lines 3a and 3b will already be included in section 1 and may duplicate those on the housing register. These entries should therefore be removed;
 - Consideration of those wishing to move to bricks and mortar is valid but will be included in the supply side and so line 3c should be removed;
 - Whilst the housing register is a snap shot in time and numbers can fluctuate it provides the best and most recent information about those wishing to have a public site. Therefore the data from April 2018 should be inserted at 3e (27) and 3g (12).
 - With the above changes this would produce a figure at 3h of 39 although section 3 might more accurately be titled to refer to existing households in need of a pitch in the next 5 years;
 - The number of emerging households over the next 5 years in section 4 should be reviewed in the light of the increased number of total households living on pitches but this number is likely to be at least 24;
 - Total need at line 5 will be a product of previous adjustments but will be at least 187;
 - The number of current occupied authorised pitches at line 6a should be 129 to take account of the 5 pitches now occupied and the 2 permitted since April 2017 and there are now 2 current vacancies at 6b. Total supply at 6c should be 131.
 - As a consequence the overall pitch shortfall for 2018/19 to 2022/23 for all gypsies and travellers whether or not they comply with the definition in the Planning Policy for Traveller Sites would be at least 56 pitches.
6. It would be of assistance if the Council could revise the table for this period taking into account my comments above and any factors I have omitted. It would be of assistance if this could be submitted as a separate document within the next 14 days. If there are any detailed queries about the methodology then these can be addressed to me via the Programme Officer. Following on from this the Council should also calculate longer-term need from 2022/23 to the end of plan period.
 7. Once this has been finalised then the supporting text to the TSD including Table 1 will need to be revised to suit. But for the time being the aim should simply be to update Table 5.1. However, when the adjustments outlined above are translated into overall pitch need then there are also consequences for supply which I deal with below.
 8. The Council's approach to calculating the adequacy of 5 year supply takes into account pitches completed since 2011 as this is the start of the plan period. However, these pitches and the households living on them would have been incorporated into the assessment of need undertaken by the GTAA in 2017. This calculated the needs of households at that date by which time

those 20 pitches would already have been occupied and so would have formed part of the supply. Such a retrospective assessment of need does not therefore give a true picture of the current position. Accordingly the pitches permitted between 2011 and 2017 should not be used to reduce the up-to-date 5 year requirement.

9. Applying the definition of gypsy and traveller in the Planning Policy for Traveller Sites to the overall 5 year pitch shortfall in accordance with paragraph 3.16 of the GTAA would give rise to a need for at least 20 pitches. This is the level of supply that the plan should provide for. The proposed allocations in the TSD total 9 pitches. The TSD assumes that any residual pitch requirement will be met by turnover on public sites. However, this is not realistic as it will not, in itself, create additional pitch capacity. Nevertheless, based on the evidence provided it would be reasonable to allow for the creation of 1 net vacancy a year to reflect those likely to move back into bricks and mortar. This would give a 5 year supply of 14 pitches.
10. The upshot of this is that the TSD fails to identify a supply of specific deliverable sites sufficient to provide 5 years worth of sites from 2018 against locally set targets. It is notable that the Planning Policy for Traveller Sites specifically refers to *identifying* sites and makes no reference to the provision of sites by means of 'windfall'. Given that there is an immediate need and that providing for an adequate supply is a fundamental aim of Government policy my advice is that the TSD is not sound as it stands. However, to remedy this, the Council may wish to investigate ways to increase supply by at least 6 deliverable pitches and so ensure a 5 year supply on adoption.
11. Various means to do this were canvassed at the hearing. These included re-assessing previous sites put forward; giving greater attention to the provision of private sites; re-visiting the potential to expand existing sites; considering the use of formerly unauthorised sites that have now been vacated or undertaking a further call for sites. It is a matter for the Council as to which of these approaches or mix of approaches to pursue given its desire to progress the funding of sites proposed in the TSD. Once it has decided on a way forward then could the Council please advise me so that, in turn, I can give any further guidance. For example, if pitches on new sites are proposed then it may be prudent to undertake a separate consultation exercise before these are included as proposed main modifications.

Finally

12. I am not inviting comments from anyone on the advice given in this letter. It is primarily directed to the Council for the purpose of identifying matters to take forward in order to achieve soundness. This comprises an initial step of confirming the shortfall in the 5 year supply of pitches following updates to Table 5.1. However, this letter also provides an indication of the likely scale of that shortfall and the possible options open to the Council. In addition, further consideration should be given to the access arrangements for site TS3 as referred to in my closing comments to the hearing. Until the way forward has been identified there is no merit in progressing any proposed Main Modifications.

13. Could the Council let me know as soon as possible if there is anything in this letter that is unclear or requires further explanation and keep me informed of progress via the Programme Officer.

David Smith

INSPECTOR

7 June 2018