

Appeal Decision

Inquiry held on 10 -12 May 2016

Site visits made on 9 and 12 May 2016

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 August 2016

Appeal Ref: APP/M2325/W/15/3026000

Land known as Angel Lane Caravan Park, off Fairfield Road, Hardhorn, Poulton-le-Fylde, Lancashire FY6 8DN

- 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 Christopher Collins and Mrs Kathleen Collins against the decision of Fylde Borough Council.
 - The application Ref 14/0490, dated 9 July 2014, was refused by notice dated 1 April 2015.
 - The development proposed is described as change of use of land to caravan site for occupation by gypsy-travellers with associated operational development, including hardstanding, utility blocks and septic tanks.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to caravan site for occupation by gypsy-travellers with associated operational development, including hardstanding, utility blocks and septic tanks, on land known as Angel Lane Caravan Park, off Fairfield Road, Hardhorn, Poulton-le-Fylde, Lancashire FY6 8DN, in accordance with the terms of the application, Ref 14/0490, dated 9 July 2014, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. At the inquiry, it was reported that one of the appellants, Mr Terrance Collins, has recently died. The appeal will therefore now proceed in the names of the two remaining appellants only, Mr Christopher Collins and Mrs Kathleen Collins.
3. It was also explained at the inquiry that the name 'Angel Lane' refers to the unadopted track from which the appeal site takes its access. This name appears to be unofficial, and is not necessarily accepted by all local residents. However, in the absence of any other recognised name for it, I have adopted this in my decision where necessary, for the sake of clarity and convenience.
4. In the planning application, the 'red line' site boundary was drawn around the extent of the land owned by the appellants and members of their family. This was accompanied by indicative layout and landscaping plans, which proposed that the area for stationing caravans and structures be limited to approximately one-third of this overall site area. At the inquiry, a new plan was substituted, at the Council's request, in which the red line has been redrawn, to include the latter area only, with the remainder of the original site outlined in blue

(Document 13). I see no reason why anyone should be disadvantaged by this change, and have therefore accepted the revised plan in substitution for the original.

Planning Background

5. Prior to November 2009, the majority of the appeal site had no lawful use other than agriculture. Part of the site had planning permission for horse-keeping and equestrian use, granted in October 2008, and a wooden stable was erected within this area.
6. In November 2009, the appeal site became occupied as an unauthorised gypsy caravan site, with caravans being stationed, and hardcore laid, across most of the site area. Wooden fencing was also erected, dividing the site into pitches, and a low earth mound was formed on one boundary. In December 2009 an application was made for planning permission for the change of use to a caravan site and associated development¹, with 15 pitches and up to 36 caravans. In January and February 2010, two injunctions were granted in the County Court. In June 2010 the planning application was refused. In July 2010 an enforcement notice was issued, requiring the cessation of the use and the removal of the caravans and other operational development.
7. Appeals² against the refusal of permission and the enforcement notice were heard at an inquiry in 2011. In August 2011, the Secretary of State (SoS) dismissed these appeals. In coming to his decision, the SoS found a significant and substantial adverse impact on the landscape and on visual amenity, which he considered could not be overcome by landscaping within a reasonable period. This harm was given substantial weight. The SoS also found that the development did not respect the scale of Hardhorn village, and this was given moderate weight. He also found material harm to highway safety, to which he attached considerable weight. These matters were held to outweigh the unmet need for gypsy and traveller sites in the area, the accommodation needs of the site occupants, their needs with regard to health and education, and the lack of alternative sites.
8. In December 2012 the Council resolved to take direct action to remove the unauthorised development, but such action was delayed due to a series of legal challenges, which ultimately proved unsuccessful. In June 2014 the Council renewed its resolution to take direct action. This resolution was subject to further legal challenges, which were again unsuccessful.
9. The present appeal proposal was submitted as a planning application in July 2014. The proposal differs from the previous appeal scheme by proposing that caravans be restricted to a smaller site area, with 6 pitches, and no more than 20 caravans. The planning circumstances with regard to national and local policies towards travellers' sites have also changed in the meantime.
10. Immediately before the start of the present inquiry, there were 18 caravans on the 'larger site', of which all but 2 were within the amended application site boundary, together with various small structures. It is not in dispute that the number of caravans fluctuates due to the occupiers' travelling lifestyle, and that some were absent for this reason during the inquiry.

¹ Application Ref. 09/0830

² Appeal Ref. APP/M2325/A/10/2134032 (and others)

General Policy Context

The adopted Local Plan

11. The statutory development plan for the area comprises the saved policies of the 'Fylde Borough Local Plan as Altered' (the FBLP), adopted in October 2005.
12. The appeal site lies outside any identified settlement boundary, in an area designated as countryside. In such areas, Policy SP2 states that development will not be permitted except within certain specified categories. None of these refers to gypsy and traveller sites.
13. Policy HL8 states that caravan sites for Gypsies will be permitted where various criteria are all met. These include requirements relating to access and the effects on the area's character and landscape. The policy also seeks to resist sites in open countryside away from settlements.

Planning Policy for Traveller Sites (PPTS)

14. The overarching aim of the PPTS includes facilitating the traditional nomadic way of life of travellers, while respecting the interests of the settled community (paragraph 3). To that end, planning authorities are required, amongst other things, to meet needs and address under-provision, by identifying land over a reasonable timescale, and by developing policies that are realistic and inclusive (4). Authorities should also maintain a 5-year supply of specific, deliverable sites (10).
15. In dealing with applications, consideration should be given to, amongst other things, the need for sites, the availability of alternatives, the applicants' circumstances, and any local policy criteria (24). Sites in open countryside away from settlements should be very strictly limited (25).

The National Planning Policy Framework (NPPF)

16. The NPPF seeks to ensure that planning contributes to achieving sustainable development (paragraph 6). Decisions are to be taken in accordance with the presumption in favour of such development (14). The core planning principles include taking account of the differing roles and character of different areas, recognising the intrinsic character and beauty of the countryside, conserving and enhancing the natural environment, and managing patterns of growth (17).
17. Policies for sustainable transport include ensuring safe and suitable access to developments for all people, but only preventing development on transport grounds where the residual impacts would be severe (32). Policies for the natural environment include protecting and enhancing valued landscapes (109), but ensuring that such protection is commensurate with the area's status (113).

The emerging draft Local Plan

18. The Fylde Local Plan to 2032: Revised Preferred Option (the FLP) was published in October 2015, for public consultation. In view of its early stage, the draft plan carries little weight at this stage.

Main Issues

19. In the light of the Council's refusal reasons and all the other submissions made, both at the inquiry and in writing, the main issues in this appeal are:
- the effects of the proposed development on the character and appearance of the area and its landscape;
 - the development's effects on highway safety; and
 - the weight to be given to the need for gypsy and traveller sites in the area, and to the personal circumstances of the site's occupiers.

Reasons for decision

Effects on the area's character and appearance

20. In Policy HL8, the requirement under criterion 8 is that gypsy and traveller sites should not cause significant harm to the area's character and amenities, or to its landscape.
21. The 'Angel Lane Caravan Park' is a large, roughly rectangular parcel of land, extending to about 2.4 ha in total. From Angel Lane on the west, the site slopes gently down to a shallow ditch on its opposite side. The original field boundary hedgerows survive in part, though varying in height and density, and generally becoming sparser towards the eastern end. Along the eastern boundary there is also an earth mound, apparently resulting from the removal of soil in order to lay hardcore.
22. For the most part, the surrounding countryside is fairly open. The topography is gently undulating, hedges are mostly kept trimmed, and trees and woodlands are relatively few. But despite these characteristics, public views of the appeal site are relatively limited. From the west and south, there are no views at all. Travelling along Fairfield Road there are views from a short section to the east, but only at a distance of about 500 metres. As the road turns and runs to the north of the appeal site, it passes through a dip, and although it passes within about 100m of the site, views are restricted by the levels and hedges. From the public footpath at Fairfield Farm, there are more elevated views, but limited to no more than two or three openings, again at around 500m distance. At Todderstaff Hall there is a section of footpath with relatively clear views, but here the distance is around 1km. The site is also visible from passing trains on a short section of the elevated railway line as it crosses Station Road, but these views are necessarily fleeting in nature.
23. As the Inspector in the 2011 appeal noted, where the existing development is visible, even at some distance, it appears as an alien and discordant feature in the landscape. However, this seems to me to be at least partly because the existing development extends across the site's full width, away from the more sheltered area around Angel Lane, and into the more remote and exposed eastern part of the site. The appeal proposal is not to retain the whole of this existing development, but to reduce it significantly, in terms of both the numbers of pitches and caravans, and the area that they would occupy.
24. The caravans that would remain would be grouped at the western end of the site. Although this is the highest part of the site, it benefits from the best natural screening. This is due to the boundary hedges on three sides, which are substantial in this part of the site, and the further hedges, trees and

woodland along Angel Lane to the north and south. And in addition, these features and the rising land beyond them form a backdrop to all of the available the views, giving this western part of the site a strong sense of visual containment. This visual containment would significantly limit the development's impact on the character or appearance of the area and its landscape.

25. In addition to retaining some of the existing pitches and touring caravans, the development would also involve the introduction of six static caravans and the erection of six utility blocks. But the utility blocks, as shown in the submitted plans, would be small, and details such as materials could be controlled by condition. The static units would be required to comply with the size limits for caravans in the relevant legislation³. Like the caravans, these structures would all be contained within the western section of the site. In that location, for the reasons already explained, they would not add significantly to the development's visual impact.
26. In addition, it is common ground that any new permission could and should impose conditions relating to landscaping. Amongst other things, such conditions could require the retention and strengthening of the existing trees and hedges, the planting of additional new ones, and the re-seeding of the eastern part of the site where the existing hardcore is proposed to be removed. I agree that, to be satisfactory, the landscaping scheme would need to go further than that so far submitted by the appellants. But even so, it would not need to go as far as requiring a 15m-wide tree belt all around the site, as suggested by the Council; and indeed nor should it, having regard to the PPTS's aim of softening any impact rather than hiding the development completely. Be that as it may, it seems to me that new planting and landscaping, designed with care, could go a long way to help assimilate the proposed development into its surroundings, thus substantially mitigating any harm. The full effect of such planting would not be immediate, but could be realised within a reasonable timescale.
27. Together, these considerations lead me to the view that the proposed development could be accommodated within the landscape without causing unacceptable harm to the area's character and appearance. The development would therefore not conflict with criterion 8 of Policy HL8.
28. In coming to this opinion, I give due weight to the expert evidence of the Council's landscape witness, Mrs Randall. I acknowledge that her evidence incorporates a landscape and visual impact assessment, which has regard to the methodology recommended by the Landscape Institute. However, the suggestion that the area's landscape is one of high quality, and thus a 'valued' landscape, is not borne out. The inclusion of the area in the 'Lancashire and Amounderness Plain' and 'The Fylde' landscape character areas is not an indication of any particular quality or value. Neither is the fact that the landscape has been well cared-for and maintained, or that it is typical of its type. There are distant views of the Bowland Forest to the east, but the appeal site is only seen when looking in the opposite direction. From my observations, the quality of the landscape seems no more than average. No objective evidence has been produced to the contrary. The previous Inspector in 2011 found the landscape to have a high sensitivity to change, but that is not the

³ The Caravan Sites and Control of Development Act 1960

same as high quality. This does not change my view that its quality is unremarkable. And in any event, for the reasons explained earlier, with the present appeal proposal, the effects on the landscape's character and visual amenity would be slight.

29. I also acknowledge that the appeal site is outside any defined settlement. But nonetheless it is close to Old Hardhorn village, and when the recent planning permission for residential development at Fairfield Nurseries is implemented, it will be closer still. Old Hardhorn does not have a settlement boundary in the LP, but on the ground it is clearly recognisable as such. The site is therefore by no means isolated, nor is it 'away from' any settlement. And in any event, the PPTS requirement to strictly limit traveller sites in open countryside does not imply a complete prohibition. The fact that the site is in the countryside brings the development into conflict with Policy SP2, but that does not necessarily equate to harm to the area's character and appearance.
30. I note the Council's reference to LP Policy EP10 which, amongst other things, seeks to protect landscape features such as hedges and ditches. However, the development now proposed does not threaten those at the appeal site. I also note Policy EP11, which requires developments to be in keeping with the landscape types identified in the Landscape Strategy for Lancashire, but there is little support for this approach in the NPPF, outside of valued landscapes.
31. With regard to the existing unauthorised development on the site, including the hardcore, fencing, mounding and various structures, the enforcement notice served in 2010 remains in force, as do the Council's subsequent resolutions to take direct action if necessary. Consequently, I see no reason to doubt that, whatever the outcome of the present appeal, the Council would ultimately be able to secure the removal of these items. Nevertheless, it is common ground between the parties that if planning permission were granted, the permission could be made conditional upon the restoration of the remainder of the site. From a practical point of view, it seems to me that this course of action would enhance the prospects of achieving full restoration, at least in this eastern part. To my mind, this would be a significant benefit to the area's landscape and visual amenity.
32. The appellants acknowledge that a caravan site on any scale in this location would cause some residual harm, and I do not disagree. However, the test in Policy HL8 is not whether there would be any harm at all, but whether the harm would be significant. To my mind the visual harm resulting from the appeal proposal, on the reduced scale now proposed, would not be so great as to be unacceptable.
33. I conclude that although the proposed development would cause some harm to the character and amenities of the area, overall that harm would be slight, and could be mitigated by appropriate conditions. As such, there would not be any significant conflict in this respect with Policy HL8, nor with any other relevant development plan or national policies relating to character and appearance.

Highway safety

34. In Policy HL8, the requirement under criterion 7 is that gypsy and traveller sites should have safe vehicular and pedestrian access and adequate parking. In the present case the issues regarding safety relate to visibility at Angel

Lane's junction with Fairfield Road, and also a potential conflict with vehicles emerging from Puddle House Lane, which is opposite.

35. To the right (east) of the Angel Lane junction, the Inspector in the 2011 appeals considered that the required visibility was 2.4m x 116m. In the present appeal, based on a new speed survey in 2015, the Council accepts that the latter figure, the 'y-distance', could now be reduced to 92m. I do not have full information as to the sources of these two alternatives. On either basis, the y-distance figures exceed the range set out in Manual For Streets (MFS), and I understand them to have been calculated having regard to both Manual For Streets 2 (MFS2) and the Design Manual for Roads and Bridges (DMRB). However, the figures are not objected to by the appellants, and in the absence of any other technical evidence, I have no reason to question them. I have treated 116m as the maximum requirement.
36. It is not disputed that clear visibility of either 92m or 116m in this direction could be achieved by trimming back part of the roadside hedge and other vegetation within the highway verge. From the evidence before me, and my observations on site, the maximum requirement would affect roughly the first 25-30m or so from the junction. The hedge in question is outside of the appellants' ownership, and from the evidence given on behalf of its owner, I understand that she would not wish to allow it to be cut back or maintained other than on her own instruction. However, it appears that the front part of the hedge, as well as the rest of the verge, falls within highway land. As such, it seems to me that the Highway Authority has not just the right, but also a duty, to maintain that part of it in the interests of public safety. I note that the previous inspector took a similar view in this regard.
37. I appreciate that to keep the hedge and verge trimmed so as to provide the full 116m at all times might imply a more frequent or intensive management regime than in the past. But Angel Lane is used for access to other land and premises as well as the appeal site, and indeed if the appeal site were no longer used as a caravan site, it could revert to its former lawful use, and would still be likely to require access. Consequently, the need to have regard for public safety in maintaining the roadside hedge and verge in this part of Fairfield Road is not solely contingent on the appeal proposal.
38. I fully accept that it might have been desirable for the appellants to have entered into some form of agreement with the Highway Authority regarding future maintenance, but I cannot reasonably require such an arrangement. And a 'Grampian-type' condition would be of limited value, given that the maintenance that is needed is of an on-going nature, rather than a one-off action. But in the absence of either of these options, I must consider the appeal based on what is before me. In this context, I am also mindful of the potential issues regarding the protection of nesting birds, but this is not unique to the appeal site, and there is no evidence that this limited length of hedge could not be adequately maintained without causing harm to wildlife. Overall, having regard to all the matters set out above, I consider it reasonable to assume that if planning permission were granted, adequate visibility in an eastward direction would be provided and thereafter maintained.
39. To the left (west) of Angel Lane, the visibility requirement in the 2011 appeals was 2.4m x 99m, which the Inspector considered should be measured to the nearside edge of the carriageway, rather than the centreline. Based on the

more recent speed data, the Council argues that the y-distance in this direction should now be increased to 118m. Again, the technical basis for these figures is not before me in detail, but is not disputed. In oral evidence, the Council's highway witness, Mr Robinson, accepted that the 2011 speed data was likely to be the more accurate, and this suggests to me that if one or other of these figures is to be preferred, it should be the original, which is the lesser of the two. Nevertheless, I have had regard to both alternatives.

40. The appellants accept that neither 118m nor 99m can be achieved if the requirement is applied so as to include the whole of the nearside carriageway. Whereas, if the measurement is to the centreline, the Council does not dispute that at least the 99m could be achieved. The risk therefore relates principally to the potential conflict between a vehicle turning left out of Angel Lane, and one travelling along Fairfield Road in an eastbound direction, but on the 'wrong' side, such as while overtaking. But in that situation, it is agreed that the driver of the approaching vehicle would have a clear view, even though the emerging one might not.
41. In this context it is notable that although MFS and MFS2 advocate that sight lines at junctions should have regard to calculated stopping distances, it is also made clear that these should not be imposed slavishly. MFS notes that drivers are normally able to stop more quickly than is implied by the stopping distances given in the DMRB (paragraph 7.5.5), and that studies have found no relationship between stopping distances and casualties (7.5.6). MFS2 clarifies that the DMRB standards are rarely appropriate for non-trunk routes (Foreword); in such cases, the starting point should be MFS, and where designers do refer to DMRB, they should apply it in a way that respects local context (paragraphs 1.3.2 - 3). The same document goes on to say that authorities should exercise discretion in applying standards (3.2.1); that reductions in visibility distances below recommended levels will not necessarily lead to significant problems (10.5.9); and that research has found no evidence that substandard visibility at junctions increases the risk of injury collisions (10.4.2). In the light of this advice, it seems to me that the failure to meet the MFS/DMRB-based standards in full does not necessarily mean that the development would be dangerous.
42. With regard to Puddle House Lane, I saw on my visit that for traffic emerging from that direction, visibility along Fairfield Road is poor, and turning movements in an eastbound direction are rather tight. But drivers emerging at the same time from Puddle House Lane and Angel Lane would have a perfectly clear view of each other. And in both cases, the numbers of movements are likely to be small.
43. Having regard to both these latter issues, of the westward visibility and the conflict with Puddle House Lane, in the 2011 appeals the inspector concluded that overall there would be material harm to highway safety. The SoS agreed, and gave that harm considerable weight. However, the present appeal is for less than half the amount of development, and would consequently give rise to an equivalent reduction in the number of proposed vehicle movements. This is a significant difference.
44. In addition, the Angel Lane Caravan Park has now been in existence, albeit unauthorised, for around 6-and-a-half years, and during that time, no relevant accidents have been recorded. This is despite the fact that the site has had 15

pitches and reportedly up to 40 or more caravans at times, which is substantially larger than the development now proposed. I appreciate that some local residents have referred to unrecorded incidents, and near-misses, but I have no reason to doubt that any actual accidents which were at all serious would have found their way into the statistics; and in any event, for the purposes of consistency it is right that the benchmark should be the number of cases that are actually recorded. This is an important change of circumstances from 2011.

45. In addition, I note that the volume of traffic on Fairfield Road, at around 4,000 vehicles per day, is not particularly high for a rural 'B' class road of this type, and although the measured speeds are in the mid-40s – 50s, these figures are well below the permitted limit. Also, there are already warning signs to indicate the presence of Angel Lane, and the highway witness acknowledged that other safety measures could also be considered. The recently permitted residential development at Fairfield Nurseries will clearly have to have an access onto Fairfield Road, and although the details have not yet been agreed, it seems probable that the presence of this development and its access will have some calming effect. This in particular is another new factor since 2011.
46. I note the concerns of some objectors regarding the width of the access track along Angel Lane, and the turning radius for the movements onto or from Fairfield Road. But these matters were not pursued by the Council at the inquiry, and from my observations neither is likely to present undue difficulties in terms of highway safety. I note that some works are said to have been carried out previously, both to the lane and to the adjacent hedgerows, but there is no suggestion that the Council intends to pursue these, and as such they are not matters for me to consider. The need for future maintenance of the Fairfield Road hedge may have some slight adverse effect on visual amenity, but this impact would not be so significant as to affect my earlier conclusions on that matter.
47. Drawing these points together, there is no doubt in my mind that highway safety is a consideration of great importance. However, under questioning, Mr Robinson appeared to agree that it was unrealistic to expect that all safety risks could be eliminated. I concur with that view. It seems to me that the more realistic test is whether the potential risks have been reduced to acceptable proportions.
48. In the present case, taking everything into consideration, I conclude that although the proposed development cannot be guaranteed to be free from all risk, the level of that risk would be relatively low. Consequently, the development would not involve any significant conflict with the requirement for safe access in Policy HL8's criterion 7 and in NPPF paragraph 32.

Need and personal circumstances

49. In view of my conclusions on the preceding matters, it is not necessary for me to deal with any other issues at length.
50. The Gypsy and Traveller Accommodation Assessment (GTAA) for the Fylde Coast authorities, published in September 2014, identified an immediate need for 17 additional pitches in Fylde Borough for the period 2014- 19, and a further 9 pitches on a phased basis up to 2031. A significant part of this assessed need relates directly to the needs of the present appellants

themselves, and the other families at the appeal site. Since the GTAA was published, only two small sites have gained planning permission, comprising a total of 5 pitches, three at Newton-with-Scales and two at Bryning⁴. At most, these can go only a small way towards meeting the GTAA requirement.

51. The draft FLP, in October 2015, proposed one additional pitch at the Newton site, but there is doubt as to whether this will now proceed, since in granting permission for the 3 pitches on that site, in January 2016, the SoS rejected an alternative proposal for a 4-pitch scheme. Neither the FLP nor any other emerging plan currently identifies any other potential sites.
52. Whilst adopted Policy HL8 allows previously unidentified sites to be considered on a criteria basis, this purely reactive approach has evidently had limited success in facilitating the delivery of new gypsy and traveller sites over the past decade. Under draft FLP Policy H5, a similar approach is proposed to continue. There is no evidence that this is likely to increase the delivery rate in the near future.
53. I appreciate that the pitch requirement in the GTAA has been heavily influenced by the needs of the present appellants, and clearly their occupation of the appeal site over the last six years or so has been unlawful. But even so, the methodology of the GTAA requires that their needs be counted as part of those relating to Fylde Borough, and I see no reason to doubt that they have been correctly included. And in any event, there is also an unmet need in the wider Fylde area as a whole. I note that the Council proposes to commission a new GTAA in the light of the recent changes to the PPTS, including to the definition of gypsies and travellers. But there is nothing to be gained from speculating as to what that exercise might conclude. The 2014 GTAA is still relatively recent, and is the best evidence available.
54. It follows that there is a clearly identified unmet need for a significant number of gypsy and traveller pitches in Fylde Borough. Out of the 17 pitches that were needed immediately in 2014, at least 12 remain to be provided. This is a significant change of circumstances since the 2011 inquiry. The appeal proposal would make a contribution towards that unmet need, and towards the larger figure that will be needed beyond that time.
55. The appellants' representatives at the inquiry made it clear that, as they see it, they have no other options available to them except the appeal site. There is no evidence to counter this. Nothing suggests that any of the pitches that have been permitted at Newton or Bryning are likely to become available; and indeed it appears that the latter site is already occupied. No other available or preferable sites have been identified. There is force therefore in the appellants' case that their most likely alternative would have to be to resort to roadside encampments. This is an outcome that the PPTS seeks to avoid wherever possible.
56. The permission now sought, for 15 pitches, would not accommodate all of the present occupiers on a permanent basis, and there is some uncertainty as to who would stay, who would leave, and who would share or rotate. However, evidence was given at the inquiry regarding two highly vulnerable adult members of the group who have serious physical and mental health difficulties, and a third who is awaiting a significant operation. Being faced with living on a

⁴ Land at Thames Street, Newton-with-Scales (APP/M2325/V/14/2216556); and the Stackyard, Bryning (14/0406)

roadside would be likely to have adverse implications for the health and welfare of all of these persons. It is also clear that amongst the families ordinarily resident at the site, there are a number of school-age children, plus some younger ones. It is clear that that a roadside existence would be the worst possible outcome for these children, and that their best interests would be served by having a settled family base, such as would be available at the appeal site.

57. The general need for gypsy and traveller pitches in the Borough, the present site occupiers' need for a home, the personal health needs of some of those occupiers, and the interests of the children, all weigh in favour of the appeal. In the circumstances, it seems to me that all of these factors attract moderate weight.

Other Matters

58. I have had regard to all the other matters raised by local residents and other objectors. However, I must base my decision on the development plan and other material considerations. In this case the other matters raised are either not planning considerations, or are not of sufficient substance to outweigh the main issues that I have identified.

Conditions

59. The conditions suggested by both main parties were discussed extensively at the inquiry, and during the course of those discussions a good many possible variations and alternatives were also canvassed. In the light of this, I have considered carefully the extent to which the suggested conditions and variations might satisfy the tests set out in NPPF paragraph 206 and relevant sections of the Planning Practice Guidance, and in particular how far any such conditions are necessary to overcome any harm, having regard to the nature of my findings on the main issues, as set out above. In addition, the parties made it clear that they were content for me to exercise considerable discretion as to any conditions' final form and wording, and as a result I have reorganised and edited the suggested conditions where necessary, to best achieve their respective purposes. The conditions that I consider should be imposed are set out in the attached schedule.
60. Confirmation of the approved plans (included in Conditions 1, 2, 4 and 9) is necessary for clarity and certainty, especially given that the site boundary has changed since the original submission. The limitation of the use, to the reduced site area as shown on the amended location plan, is necessary to avoid an unacceptable intrusion into the landscape, for the reasons explained elsewhere in this decision. A requirement for the comprehensive restoration of the remainder of the original site (included in Condition 9) is also justified, because of the need to clearly distinguish the development now being permitted, so as to limit the visual harm. I note that the principle of such a requirement is not disputed by the appellants.
61. Similarly, controls on the layout of the site, the size and type of caravans, the numbers and design of the utility buildings, and the materials to be used on the latter (included in Conditions 2, 3 and 4) are needed for similar reasons, relating to protecting the landscape's character and appearance. So too are the retention of existing trees and hedges (Condition 5), and the provision of new landscaping (included in Condition 9).

62. Limits on the numbers of pitches and caravans (included in Condition 2) are again necessary for reasons of character and appearance, but in this case the limits are also needed for highway safety. The same dual reasoning applies to the need for restrictions on business uses and the size of commercial vehicles (Conditions 7 and 8).
63. A restriction on occupation, to gypsies and travellers only (Condition 6), is justified given the conflict with Policy SP2, and the identified need for sites in the area.
64. Requirements as to the provision of foul and surface water infrastructure are needed to ensure a satisfactory standard of accommodation for future occupiers, and to avoid risks of flooding or contamination to watercourses and neighbouring land. Requirements and controls relating to fencing and external lighting are needed for the privacy and convenience of future residents, and also for the protection of the area's visual amenity (all included in Condition 9).
65. However, there is no need to specify any time period for commencement of the development, because the use has already been in existence for several years. There is also no need for any permission to be limited to a temporary period, because the harm that I have identified would be limited; whereas, restricting the permission in that way would make it impractical to secure any new landscaping, and the potential harm would thus be increased. And in any event there is no realistic likelihood that alternative sites will become available within a reasonable timescale. A personal permission would not be justified, given the relative lack of harm, the identified general need, and the ability to restrict occupation to persons meeting the definition of gypsies and travellers.
66. I note the suggested conditions relating to visibility splays and alterations to the Angel Lane junction, but for the reasons previously indicated, I consider that these are neither necessary nor reasonable. Nevertheless, I am satisfied that the conditions listed in the Schedule are sufficient to overcome the identified harm.

Conclusions

67. Being located in the countryside, the proposed development would conflict with Policy SP2. Given the lack of harm to the area's character and appearance, or to highway safety, there would be no conflict with Policy HL8, but even so, on balance, the scheme would not accord with the development plan read as a whole.
68. However, the development would help to make good an accepted shortfall of gypsy and traveller pitches in the area, and would meet the specific needs of the appellants and members of their extended family, in accordance with the aims of the PPTS. The development plan contains no positive or realistic proposals as to how these needs can be met in any other way, and thus these benefits carry substantial weight. Whereas, apart from the in-principle conflict with Policy S2, the scheme would cause no significant harm.
69. In the circumstances, the conflict with the development plan would be clearly outweighed by other material considerations, and it follows that permission should be granted. The appeal is therefore allowed.

John Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall take place only within the area edged red on the amended '*Plan 1: Location Plan*' submitted on 11 May 2016.
- 2) The site shall be divided into no more than 6 pitches. No pitch shall contain more than 4 caravans, of which no more than one shall be a static caravan or mobile home. At no time shall more than 20 caravans in total be stationed on the site. In addition, no more than one utility block shall be erected on any pitch. The layout of the pitches, caravans and utility blocks shall be in accordance with '*Plan 2: Proposed Site Layout Plan*', as submitted with the application.
- 3) All caravans stationed on the site shall meet the definition of a caravan as stated in the caravan Sites and Control of Development Act 1960.
- 4) The utility blocks hereby permitted shall be constructed in accordance with the details shown on '*Plan 3: Utility Block Elevations and Plan*', as submitted with the application. Apart from the laying of the foundations, no building work in connection with the utility blocks shall commence until details of their external materials have been submitted to the Local Planning Authority and approved in writing. Thereafter, the utility blocks shall be constructed using only the materials thus approved.
- 5) None of the existing trees or hedges, on any part of the land edged either red or blue on the amended *Plan 1* (as submitted on 11 May 2016), shall be cut down, grubbed up, removed, damaged, nor reduced in height or width in any way, other than with the written consent of the Local Planning Authority. If, notwithstanding this condition, any existing tree or any part of any hedge is lost, destroyed or damaged without the Authority's written consent, it shall be replaced with another of the same species, before the end of the next planting season.
- 6) The site shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites (August 2015), or any subsequent national policy superseding that document.
- 7) No business or commercial use shall take place on the site, nor any activity in connection with such a use, including the storage of materials.
- 8) No commercial vehicle shall be stationed, parked or stored on the site which has an unladen weight of more than 3.5 tonnes.
- 9) 9A: Within the timescales specified below (at 9A (viii) and 9B), a Site Development and Restoration Scheme shall be submitted for the approval of the Local Planning Authority, and shall be fully implemented. The Scheme shall include details of the following:
 - i) the proposed septic tanks, as shown indicatively on *Plan 2*, and any other necessary foul drainage infrastructure;
 - ii) any necessary surface water drainage infrastructure;
 - iii) any necessary external lighting;
 - iv) any necessary fencing;

- v) the restoration of the land edged blue on the amended *Plan 1* (as submitted on 11 May 2016), to include the removal from that area of all existing caravans, structures, vehicles, hardcore or other hard surfacing, fences, lighting, mounding, stored materials, equipment, and any waste or refuse; and the restoration of this area to grazing land;
- vi) a scheme of tree and hedge planting, within both the red and blue-edged areas on the amended Plan 1 referred to above, which shall include but not be limited to the proposals contained on '*Plan 4: Landscaping*', as submitted with the application;
- vii) a maintenance plan for the new and existing landscaping, including provision for replacement planting if necessary;
- viii) and a full timetable for the implementation of these works.

9B: The use of the land as a caravan site shall cease, and all caravans, structures, surfacing, and other items brought onto the land for the purposes of such use shall be removed, and the site returned to a condition suitable for grazing, within 28 days of the date of any failure to meet any of the following time limits:

- i) within 3 months of the date of this decision, the Site Development and Restoration Scheme shall have been submitted to the local planning authority for approval;
- ii) in the event that the local planning authority refuse to approve the Site Development and Restoration Scheme, or fail to give a decision on it within the prescribed period, then within 11 months of the date of this appeal decision an appeal shall have been made to the Secretary of State, and shall have been accepted as validly made;
- iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Site Development and Restoration Scheme shall have been approved by the Secretary of State;
- iv) following the approval of the Site Development and Restoration Scheme, either by the local planning authority or by the Secretary of state, the approved scheme shall have been carried out and completed in accordance with the agreed timetable.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Jonathan Easton	Of Counsel (instructed by the Council's Head of Legal Services)
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He called:

Mr Glenn Robinson	Principal Engineer, Lancashire County Council
Ms Pauline Randall, BSc MALA FLI	Randall Thorp (Landscape Architects)
Mr Kieran Birch, BA(Hons) MCD	Senior Planning Officer

FOR THE APPELLANT:

Mr Stephen Cottle	Of Counsel (instructed by Lester Morrill Solicitors)
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He called:

Mrs Elizabeth Collins	Site occupier
Mrs Mary Collins	Site occupier
Mrs Alison Heine MRTPI	Planning Consultant

OTHER INTERESTED PERSONS WHO SPOKE AT THE INQUIRY:

Cllr Alf Clempson	County Councillor (also speaking on behalf of Ben Wallace MP, as his Parliamentary Assistant)
Mr Philip Caulton	Local resident
Mr Eric Houghton	Local resident

DOCUMENTS TABLED AT THE INQUIRY

- 1 Council's list of appearances
- 2 Appellants' list of appearances
- 3 Fylde Coast Authorities GTAA, Sept 2014
- 4 Bundle of documents tabled by the Council, comprising:
 - 4.1 Fairfield Nurseries – planning permission 14/00429/ OUTMAJ
 - 4.2 Fairfield Nurseries – plan stamped 'approved'
 - 4.3 Fairfield Nurseries – officer's report 14/00429/OUTMAJ
 - 4.4 Fairfield Nurseries – refusal notice 15/00832/OUTMAJ
 - 4.5 Fairfield Nurseries – plan stamped 'refused'
 - 4.6 Oldfield Carr – officer's report 14/00607/OUTMAJ
 - 4.7 Oldfield Carr – location plan
 - 4.8 Oldfield Carr – proposed layout
 - 4.9 The Stackyard, Bryning – officer's report 14/0406
 - 4.10 The Stackyard, Bryning – planning permission 14/0406
 - 4.11 The Stackyard, Bryning – location plan 14/0406
 - 4.12 The Stackyard, Bryning – site layout 14/0406
 - 4.13 King's Close, Staining – location plan
 - 4.14 King's Close, Staining – layout plan
 - 4.15 Thames Street – officer's report 12/0118
 - 4.16 Thames Street – location plan 12/0118
 - 4.17 Thames Street – site layout 12/0118
 - 4.18 Thames Street – SoS decision and Inspector's report 12/0118
- 5 Amended site location plan (tabled on 10.5.16, but superseded by Doc 13 below)
- 6 Site plan showing plot numbers – key to appellants' list of proposed occupiers
- 7 Appellants' list of proposed occupiers
- 8 Appellants' opening submissions
- 9 Council's opening submissions
- 10 Extract from 'Fylde Local Plan to 2032: Revised Preferred Option', October 2015
- 11 Draft local plan timetable
- 12 Highways Act 1980, extract
- 13 Amended site location plan, with red line around the proposed development area only (tabled by the appellants on 11.5.16)
- 14 Elizabeth Collins' witness statement
- 15 Mary Collins' witness statement
- 16 Collins v SoS and Fylde BC [2012] EWHC 2760 (Admin); tabled by the Council
- 17 Cllr Clempson's statement
- 18 Statement on behalf of Ben Wallace MP, presented by Cllr Clempson
- 19 Agreed Statement of Common Ground, signed and dated 11.5.16
- 20 (withdrawn)
- 21 Extract from 'Common Ground: equality, good race relations and sites for Gypsies and Irish Travellers' (CRE), tabled by the appellants
- 22 Plan of visibility splay and hedge (from 2011 inquiry), tabled by the appellants
- 23 Email dated 14 March 2011, relating to the visibility splay plan
- 24 Mr Caulton's statement and attached photographs
- 25 Stroud DC v SoS and Gladman Developments [2015] EWHC 488 (Admin); tabled by the Council
- 26 Health Assessment Report by N Hartley, dated Dec 2010 (tabled by the appellants)
- 27 Order of the Court of Appeal, dated 15.1.14
- 28 Additional example conditions, tabled by the appellants
- 29 Council's closing submissions
- 30 Appellants' closing submissions
- 31 Moore v SoS and LB Bromley [2012] EWHC 3192(Admin); tabled by the appellants
- 32 Report of Wychavon DC v SoS [2008] EWCA Civ 692; tabled by the appellants
- 33 Collins v SoS and another [2013] EWCA Civ 1193; tabled by the appellants