



TYPE Appeal Decision  
ALLOCATE TO:  
DC Support

South Gloucestershire Council  
Business Support - 3  
30 JUN 2011  
Received

## Appeal Decision

Hearing opened on 18 May 2011

Site visit made on 17 May 2011

by **Elizabeth Fieldhouse DipTP DipUD MRTPI**

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

Decision date: 29 June 2011

**Appeal Ref: APP/P0119/A/11/2148394**

**Bluebell Stables, Mill Lane, Old Sodbury, BS37 6SH**

- 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 Alan Bryson against the decision of South Gloucestershire Council.
- The application Ref PK10/1589F, dated 22 June 2010, was refused by notice dated 29 September 2010.
- The development proposed is 'to make land into an officially recognised gypsy/traveller site which is what it is used for right now + the addition of one transit pitch as recommended by John Malong (Traveller Liaison Officer) and Lisa Price (Spatial Officer).

### Application for costs

1. An application for costs was made by South Gloucestershire Council against Mr Alan Bryson. This application will be the subject of a separate Decision.

### Decision

2. The appeal is dismissed.

### Procedural matters

3. The appellant failed to turn up at the hearing and gave a verbal comment to the Planning Inspectorate that he would not be attending. Although the hearing had opened, no evidence was heard and, as confirmed by the Planning Inspectorate, the appeal is determined on the basis of written representations and the unaccompanied site visit that had been made on 17 May 2011.
4. The proposal is succinctly described in the Council's decision notice as the 'Change of use of land from agricultural to gypsy/traveller site (Retrospective) and addition of 1no. transit pitch'. The extent of the application site was changed prior to determination by the Council to only include the area occupied by caravans and a transit pitch together with the access. The appellant voluntarily moved off the site on 25 March 2011 so, at the time of the hearing, the land was no longer in use as a gypsy/traveller site and the proposal is therefore no longer retrospective. The appeal is determined on this basis.

### Main Issues

5. The main issues in this appeal are:
  - Whether the proposal would be inappropriate development for purposes of Planning Policy Guidance (PPG) 2 *Green Belts* and development plan policy.

If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

### Reasons

6. The appeal site lies within the Bristol/Bath Green Belt on the very edge of, but not within the Cotswold Area of Outstanding Natural Beauty (AONB). Gypsy and traveller sites do not fall into any of the categories of new development that is not inappropriate in PPG 2 and policy GB1 of the South Gloucestershire Local Plan 2006 (LP). ODPM Circular 01/2006 *Planning for Gypsy and Traveller Caravan Sites* advises that gypsy and traveller sites are normally inappropriate development in the Green Belt. LP policy H12 states that 'Gypsy sites will not be appropriate within the Green Belt or Cotswolds AONB'. The proposal would be inappropriate development in the Green Belt. As indicated in PPG2, there is a presumption against inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. The harm by reason of inappropriateness attracts substantial weight.
7. The appeal site is in open countryside to the north and above the level of Mill Lane. As found by the previous Inspectors in 1999 (APP/P0119/C/99/1031949) and 2006 (APP/P0119/A/06/2008401) for similar uses but fewer caravans, the siting of a mobile home on the land does not maintain the openness of the Green Belt. This proposal would involve the siting of two mobile homes, a touring caravan and a transit pitch and, due to the greater number of caravans than already considered, the effect on openness would be greater than that found by previous Inspectors. PPG2 advises the most important attribute of Green Belts is their openness; therefore harm to openness is afforded substantial weight.
8. The appeal site is largely screened from Mill Lane due to the change in levels between the appeal site and Mill Lane along which boundary there is a substantial hedge. From the lower parts of the AONB the site is fairly well concealed and integrated into the landscape during the summer, but likely to be less so in the winter as much of the vegetation appeared to be deciduous. However, the appeal site is visible and prominent from a limited length of the Cotswold Way National Trail that is on the scarp slopes of the AONB to the east of the site. Even in the summer when trees and hedges are in full leaf, the mobile homes and touring caravan that were on the site were prominent and thereby the proposal would be harmfully intrusive in the pastoral landscape from the Cotswold Way and that part of the AONB. The proposal would not accord with LP policies L1 and L2. Considerable weight is attached to the serious harm to the character and appearance of the local landscape as well as the setting of the AONB.
9. On the opposite side of Mill Lane to the appeal site is The Old Mill, a grade II listed building within a well stocked setting. The fairly modest building is well screened from the road in the summer but, in the winter views are more open. At all times of the year, the appeal site is within the wider landscape views of the listed building from the Cotswold Way. As the Inspector in 2006 found, the proposal would do nothing to preserve the setting of the listed building within its wider landscape context. As such the proposal would be contrary to LP policy L13. Nevertheless, in view of its limited inter-visibility, only moderate

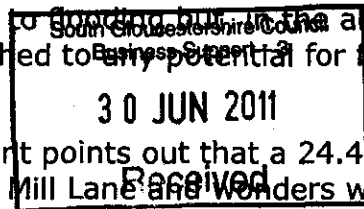
South Gloucestershire Council  
Business Support

30 JUN 2011

Received

weight is attached to the harm to the preservation of the wider landscape setting of the listed building.

10. There is a lack of information or details of the proposed septic tank. It has not been demonstrated that operation of the proposed foul water disposal system would not present a potential risk of flood and pollution contrary to LP policy EP1. There is no evidence that the site is liable to flooding but in the absence of adequate information, limited weight is attached to any potential for flood and pollution from the foul drainage system.
11. Turning to the other considerations, the appellant points out that a 24.4m (80 feet) long Romanian log cabin was permitted in Mill Lane and wonders why his proposal would be different and more harmful. There are no details of that development or whether it is comparable to the appeal proposal. The appeal is considered on its merits in the light of the development plan and all other considerations. In the absence of any more details on the comparability of that proposal to the one which is the subject of this appeal, minimal weight is afforded to this consideration.
12. The appellant wants to be in the area to be near family. He also accommodates a relative who for personal reasons does not like to go out or be seen by locals, a suitable place to live is therefore necessary. In the absence of any information on efforts made to find a suitable alternative place to live and more details of why it is necessary to be at this particular site, moderate weight is attached to this need.
13. The appellant considers that the site is surrounded by a well kept hedge and cannot be seen by anyone or from the Cotswold Way. As found earlier in this decision, there is visibility from the Cotswold Way. In relation to The Old Mill, the appellant advises that the occupier has no objection to the use but this would not overcome harm to the wider landscape setting of the listed building. In addition, the appellant points out that there has never been flooding or pollution at the site. The site may have been occupied for 12 years but, in the absence of adequate information on the foul drainage system, this attracts no weight in favour of the proposal.
14. Overall, minimal weight is attached to other development on Mill lane and moderate weight to the personal needs and circumstances of the appellant. Nevertheless, these other considerations are outweighed by the substantial weight attached to harm by way of inappropriateness and to openness, considerable weight attached to the harm to the character and appearance of the local landscape, moderate weight to the effect on the wider landscape setting of the listed building and limited weight to potential for flooding.
15. Turning to the need for pitches and transitional arrangements advice in ODPM Circular 01/2006, the Gypsy and Traveller Sites Development Plan Document (GT DPD) considered potential sites and did not consider the appeal site as one of the 30 sites identified as an existing or proposed safeguarded site for gypsy and traveller accommodation. Also the site is not identified in the South Gloucestershire Core Strategy Submission Draft December 2010 in relation to policy CS21 Gypsy and Traveller Accommodation.
16. However, the evidence base for the GT DPD was provided in the West of England Gypsy Traveller Accommodation Assessment 2007 (GTAA). As indicated in the South Gloucestershire Core Strategy pre-Submission Publication Draft March 2010 and Proposed Changes Version December 2010,

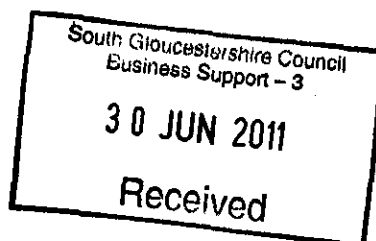


the GTAA established a need for 58 residential pitches for gypsies and travellers between 2006 and 2011 with a further 22 pitches up until 2016. The December 2010 document indicates that extra pitches on existing, family sites would potentially generate an additional 22 residential and 8 transit pitches with 18 to 24 residential pitches potentially delivered as part of the new neighbourhoods. A need for a single open transit facility is acknowledged. At present the figures demonstrate an unmet need for permanent residential gypsy and traveller pitches.

17. ODPM Circular 01/2006 advises that where there is a clear and immediate need for sites but no available alternative gypsy and traveller site provision in an area, and there is a reasonable expectation that new sites are likely to become available at the end of that period in the area, considerations should be given to granting temporary consent. Unmet need should be given substantial weight.
18. The Coalition Government announced on 29 August 2010 its intention to withdraw the current planning guidance for Gypsies, Travellers and Travelling Showpeople, set out in Circular 01/2006 and Circular 04/2007, and replace them with a single slimmed down, light-touch Planning Policy Statement for traveller sites, as part of its intended planning reforms. The Secretary of State has now announced, as part of his statement on 13 April 2011, a consultation on the Coalition Government's draft guidance entitled "Time for Fair Play for all on Planning" relating to traveller sites in England. The current Circular 01/2006 remains in existence for the time-being. However, the Minister's announced intention to revoke ODPM Circular 01/2006 is a material consideration in the weight to be attached to the advice in the Circular but, as extant policy, I afford the Circular greater weight as a material consideration in the determination of this appeal.
19. The Council are addressing the unmet need for pitches through the development plan process, many of which would be achieved without the need for additional land. Nevertheless, there is an unmet need in the District. Although the appellant indicates that he has relatives in the area, there was no case that the appeal site was the only potential site. The weight of the harm identified in relation to a permanent use of the site would be the same for a temporary use but only for a finite period. Overall, even if substantial weight is attached to the unmet need that, together with the minimal weight attached to other development in Mill Lane and the moderate weight to the personal needs and circumstances, would be insufficient individually or as a whole to clearly amount to the very special circumstances necessary to outweigh the harm identified even for a temporary period. For these reasons neither permanent nor temporary planning permission would be justified.

*Elizabeth Fieldhouse*

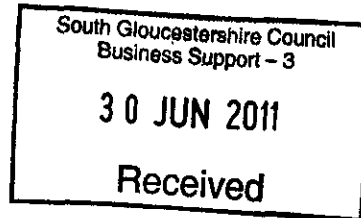
INSPECTOR



---

**APPEARANCES**

**FOR THE APPELLANT:**



**FOR THE LOCAL PLANNING AUTHORITY:**

Marie Bath	Principal Planning Officer, South Gloucestershire Council
Angela Bence-Wilkins	Landscape Architect, South Gloucestershire Council
Rebecca Anthony	Conservation Officer, South Gloucestershire Council
James Cooke	Enforcement Officer, South Gloucestershire Council

**INTERESTED PERSONS:**

Cllr Sue Hope	Cllr for Cotswold Edge Ward
Cate Davidson	Clerk to Sodbury Town Council
Cllr Paul Whittle	Cllr on Sodbury Town Council representing residents of Old Sodbury
Cllr John Allard	Cllr on Sodbury Town Council
Pat Downes	Interested person