



Appeal Decision

Inquiry opened on 21 January 2015

Site visits made on 29 September 2015

by Richard Clegg BA(Hons) DMS MRTPI

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

Decision date: 08 February 2016

Appeal Ref: APP/Z3825/A/14/2220591

Sussex Topiary, Naldretts Lane, Rudgwick, Horsham, RH12 3BU

- 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 T Wenman against the decision of Horsham District Council.
 - The application Ref DC/13/2170, dated 13 November 2013, was refused by notice dated 14 March 2014.
 - The development proposed is the use of land for the stationing of caravans for residential purposes for four gypsy pitches, along with the formation of hardstanding and four utility/ day rooms ancillary to that use.
 - The inquiry sat for four days: 21-22 January and 29-30 September 2015.
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Decision

1. The appeal is allowed and planning permission is granted for the use of land for the stationing of caravans for residential purposes for four gypsy pitches, along with the formation of hardstanding and four utility/ day rooms ancillary to that use, at Sussex Topiary, Naldretts Lane, Rudgwick, Horsham, RH12 3BU, in accordance with the terms of the application, Ref DC/13/2170, dated 13 November 2013, subject to the conditions in the attached schedule.

Applications for costs

2. At the Inquiry applications for costs were made by Mr T Wenman against Horsham DC and Naldretts Lane Residents Association (NLRA). These applications are the subject of separate Decisions.

Procedural matter

3. On 31 August 2015, the Secretary of State for Communities & Local Government issued a revised version of *Planning policy for traveller sites* (PPTS). In addition the Government has cancelled *Designing Gypsy and Traveller Sites – Good Practice Guide (2008)*, and on 22 July 2015 a Written Statement was issued concerning a technical adjustment to the National Planning Policy Framework (NPPF) in respect of the supply of and need for housing. The main parties and NLRA were given the opportunity to submit comments on the implications of these changes for their respective cases before the inquiry resumed on 29 September. Comments were received from each of these parties (Documents L2, A10 & O13) and they have been taken into account in my consideration of the appeal.

Main Issues

4. I consider that the main issues in this appeal are:
 - i) The effect of the development on the character and appearance of the area.
 - ii) The effect of other considerations, including the need for gypsy and traveller accommodation and highway safety, on the overall planning balance.

Background

5. The appeal site forms part of the Appellant's land on Naldretts Lane known as Sussex Topiary¹. NLRA gave evidence that this land had previously been used as a tree nursery, and that this business ceased to operate about ten years ago. On the western side of the Appellant's land, and set back from the road, is an area of dilapidated polytunnels. This is the main part of the appeal site where the four pitches would be formed. The site also includes the access track and a smaller area on its eastern side which would be used for the proposed soakaway. The Appellant, his wife, and one of his daughters moved onto Sussex Topiary in 2014: their caravans are not on the appeal site, but nearby on the eastern side of the access drive.

Planning policies

6. The Development Plan includes the Horsham District Local Development Framework Core Strategy, General Development Control Policies Document (GDPCD), and Proposals Map. In the Core Strategy, Policy CP 1 is concerned with the maintenance and enhancement of the landscape character of the District. High quality design is required for all development proposals (Policy CP 3), which should complement the varying character and heritage of the District. Sussex Topiary lies outside the built-up area boundary where Policy DC 1 of the GDPCD specifies that development should not be permitted unless it is essential to its countryside location and meets one of a series of criteria: of these the only which could apply is concerned with ensuring the sustainable development of rural areas. In addition, development must be of a scale appropriate to the countryside, and not lead to a significant increase in activity there. Policy DC 2 supports proposals which at least protect the key characteristics of the landscape character area. Proposals for gypsy and traveller sites are to be assessed against Policy DC 32. This policy provides for sites where a need exists which cannot be met at existing sites, subject to compliance with a series of additional requirements.
7. The Council is preparing the Horsham District Planning Framework (DPF), which involves a review of the Core Strategy and the GDPCD. It was submitted for examination in 2014, and further possible modifications were put forward in July 2015 following the hearing sessions. The Inspector's report was anticipated by the end of 2015, and the Council envisaged adoption in early 2016.
8. Policy 21 of the emerging DPF explains that provision is to be made for 39 net additional permanent gypsy and traveller pitches during 2011-2017, and the policy identifies four sites for allocation in addition to referring to pitches which

¹ Several of the Appellant's documents refer to the property as Utopia Nurseries, but it is identified as Sussex Topiary on the application form, and this name is confirmed in the statement of common ground (Core Document 1/10 – CD1/10).

have come forward since the Gypsy/ Traveller, Travelling Showpeople Accommodation Needs Assessment (GTTSANA) was undertaken. Policy 22 refers to the identification of sites to meet the need beyond 2017 in a Site Allocations Development Plan Document, and Policy 23 sets out criteria against which windfall proposals should be assessed. Amongst other matters, a proposal should not result in significant hazards for other road users, and there should not be an unacceptable impact on the character and appearance of the landscape.

Reasons

Character and appearance

9. The appeal site is in the countryside, outside built-up area boundaries as defined on the LDF Proposals Map (Document G3a). Policy DC 1 of the GDCPD restricts development in such locations, and stipulates that it must be essential for its countryside location. Although many gypsy sites are located in the countryside, they may also be accommodated within built-up areas, and there is apparent conflict with the first test of this policy. In this respect, however, Policy DC 1 is not consistent with national policy in the PPTS, which post-dates the GDCPD, and addresses the location of gypsy and traveller sites in the countryside. Policy H of PPTS sets out a series of factors which should be taken into account in assessing planning applications. Amongst other requirements, new traveller sites should be very strictly limited in open countryside that is away from existing settlements or outside areas allocated in the development plan. Subject to that locational assessment, the policy contemplates the prospect of gypsy and traveller sites coming forward in open countryside. There are as yet no allocations for gypsy sites in Horsham. It is common ground between the main parties that the site is about 1.7km south of Rudgwick, but the southern edge of the settlement near the A281 is closer, and it is readily reached along Naldretts Lane and Haven Road. Given the proximity of the site to Rudgwick, I do not consider that it should be categorised as being away from existing settlements. The establishment of a gypsy site in this location would not, therefore, conflict with Policy H of the PPTS, which, as it is more recent and specifically addresses the location of gypsy sites, carries more weight than Policy DC 1 in this case.
10. The appeal site lies within the Central Low Weald landscape character area (LCA), defined in the West Sussex Landscape Character Assessment. In the West Sussex Landscape Land Management Guidelines, the LCA is described as a mainly pastoral landscape with a well-wooded character². Many small farms and cottages are concentrated along lanes and key characteristics include predominantly small to medium-sized pasture fields, enclosed by woodlands, shaws and hedgerows. The area around Sussex Topiary reflects these features with several strong lines of tree cover, and a cluster of buildings along Naldretts Lane near its junction with Haven Road.
11. The main part of the appeal site, where the pitches would be formed, is well contained by tree cover. There are lines of conifers along the northern, southern and part of the eastern sides, and mixed tree cover on the western side where the Appellant's land abuts a restricted byway. Within this area are the remnants of hardstanding and dilapidated polytunnel frames and other structures from the former nursery operation. In its present condition this part

² The Central Low Weald extract from the Land Management Guidelines is at Appendix 3 to CD1/5.

of the appeal site is unattractive, although the effect on the surrounding area is limited due to the presence of tree cover and hedgerows and its position set back from Naldretts Lane. The existing structures would be replaced by four pitches, each of which would contain a mobile home, a touring caravan and a day room. In addition vehicles would be parked on the site, and it is likely that there would be certain domestic paraphernalia outside the caravans. The pitches would be formed within the established framework of tree cover, which would separate them from adjacent open areas. The overall structure of Sussex Topiary, with paddocks and the appeal site enclosed by tree cover, reflects a characteristic feature of the LCA, and this structure would be little changed by the appeal proposal. In comparison with the relatively lightweight structures of polytunnels and small sheds, the day rooms and caravans, with renewed hardstanding, would represent a more pronounced form of development, but the additional urbanising effect on the landscape would be limited by the position and containment of the pitches. I have also considered the effect of the activity arising from residential use of the site on the character of the area. Existing development on Naldretts Lane already generates a certain level of activity. The proposal is for a small-scale development of four pitches, and the limited level of domestic activity on the pitches and of vehicle movement to and from the site (para 27, below) would not appreciably alter the nature of this part of the countryside. In particular I do not consider that vehicle movements associated with the appeal proposal would detract from the role of Naldretts Lane as a leisure route. Although the development would have an additional urbanising effect, it would not harm the key characteristics of the LCA, and it would not, therefore, conflict with Policy DC 2 of the GDCPD.

12. There are partial views of structures on the western part of the site from the byway through the tree cover along the boundary. It is proposed to strengthen this cover, and additional planting could be the subject of a condition. I anticipate that there would be filtered views of the caravans and day rooms on the two western pitches from the byway, but the extent of tree cover would assimilate the development into its surroundings, and I do not consider that the gypsy site would appear intrusive from this closest viewpoint. There are trees and hedgerows along Naldretts Lane. Although the cover is less dense in places, given the position of the pitches beyond the roadside field, and the line of conifers between the pitches and the field, only extremely limited glimpses of the caravans and day rooms would be available from the road, even after leaf fall. There would be no adverse effect to the appearance of the area from public viewpoints along Naldretts Lane, and a strong belt of trees screens the site in views from the public footpath by Quince Farm to the east.
13. The appeal proposal would have a limited urbanising effect on the character of the area, and there would be some limited harm in appearance from the byway. In consequence there would be conflict with Policies CP 1 and CP 3 of the Core Strategy.

Other considerations

The general need for gypsy accommodation

14. The main parties agree that there is a need for additional gypsy and traveller accommodation in Horsham. The Council's GTTSANA was published in 2012

and identified a current need for 29 additional gypsy and traveller pitches³. Taking account of household formation a need for a further 10 pitches is identified in the five year period up to 2017. Table 7A forecasts that 39 additional pitches will be required in the period between 2018 and 2027, which the Council has calculated as equivalent to four per year. On this basis the overall need from 2012 to 2020 (to include five years requirement from 2015) is 51 pitches. The Council's approach to calculating need was not disputed by the Appellant.

15. Since 2012 planning permission has been granted for 16 pitches, and a deficit of 13 pitches remains against the need at the base date of the GTSANA. Four sites with a combined capacity of 29 pitches are put forward in Policy 21 of the emerging DPF. This intended supply would leave a shortfall of six pitches by 2020. There is a clear existing need for gypsy and traveller sites in Horsham and there is not a sufficient supply to meet the requirement for the five year period up to 2020. The need for additional gypsy and traveller accommodation is a matter which carries significant weight, and the proposal represents an adequate way of responding to this need in accordance with criterion a in Policy DC 32 of the GDCPD.

Possible alternative sites

16. It is common ground between the main parties that there are no available alternative gypsy and traveller sites in the District, and there is nothing before me pointing to a contrary position. Criterion b in Policy DC 32 of the GDCPD is satisfied, and the current lack of alternative sites is a matter which carries important weight in support of the appeal proposal.

The policy approach to gypsy and traveller accommodation

17. There is no policy in the Development Plan which identifies sites for gypsy and traveller pitches. Policy 21 in the emerging DPF fulfils this role, but the sites identified would not be sufficient to meet the five year requirement. A Site Specific Allocations of Land Document is intended to make future provision for gypsy sites, but the draft Local Development Scheme indicates that work on this document is not expected to commence until mid-2016⁴.
18. Policy DC 32 in the GDCPD, Policy 23 in the emerging DPF, and the PPTS all set out matters to assist with the assessment of proposals for gypsy sites, and the absence of a development plan policy has not prevented sites coming forward. However there is currently no mechanism to ensure provision at the level required. Given the general need for accommodation, this circumstance adds some further weight in support of the appeal proposal.

Personal need

19. It is intended that the four pitches at the appeal site would be occupied by the following households:
 - Tom Wenman (the Appellant) and his wife Ruth.

³ Extracts from the GTTSANA are at Appendix A9 in CD1/3. Table 6 gives a total current need for 44 pitches, including 15 pitches for New Age travellers. Due to different pitch requirements, the New Age traveller figure has been deducted to give an adjusted need for gypsies and travellers of 29 pitches.

⁴ Chart 1, Document G2.

- Carly Wenman (daughter of the Appellant and his wife) and her fiancée Gary Lee.
 - Samantha (daughter of the Appellant and his wife) and David Jones and their son.
 - Lena Cunningham (cousin of the Appellant).
20. The Appellant previously traded in cars and animals, and repaired and painted caravans. He currently keeps animals (goats, pigs, poultry) on his land and trades in these. Whilst he still travels in connection with his work, accompanied by his wife on occasions, the extent of travelling has been curtailed by Mrs Wenman's ill-health (below, para 24). Gary Lee travels seeking groundwork and roofing jobs: his fiancée, Carly Wenman, works at fairs and travels to about six each year. David and Samantha Jones have no base, and travel in connection with his roofing work. Lena Cunningham works as a hairdresser and beautician. She indicated that most of her work is carried out around the area where she lives, and she spends time caring for her elderly mother. Her travelling for economic purposes appears limited, and she does not refer to this as simply a temporary circumstance.
21. The definition of gypsies and travellers in Annex 1 of the PPTS includes persons of nomadic habit of life who have ceased to travel temporarily on the grounds of their own or their family's or dependants' educational or health needs or old age. On the information before me I am satisfied that the occupants of the appeal site, with the exception of Lena Cunningham, are gypsies for the purposes of planning policy. The information about Lena Cunningham is insufficient to reach a view that she has gypsy status.
22. Prior to moving to Sussex Topiary, the Appellant and his family lived in a house in Cranleigh for five years. The move into bricks and mortar accommodation was made to assist in coping with Mrs Wenman's health problems, although Mr Wenman also explained that the equipment required could be accommodated and operated in a mobile home. As a Romany Gypsy, Mr Wenman found the house unsuitable, and he moved from there to the land at Rudgwick. At the time of the inquiry, he and his wife, and their younger daughter were living there. Carly Wenman explained that her fiancée has nowhere permanent to stay. David and Samantha Jones are in a similar position: I heard that they have stayed on other persons' sites for temporary periods and have had to move from place to place. There is no evidence that a systematic search for an alternative site was undertaken when the Appellant decided to leave the house at Cranleigh, but there is a clear need for a settled base for himself and his wife, and for his daughters' households, and it is agreed by the main parties that there is no alternative accommodation available (above para 16). I give significant weight to their personal need for accommodation.
23. Lena Cunningham lives on her mother's pitch in Cranleigh. She has her own caravan and refers to her present situation as doubling-up. She also suggested at the inquiry that her mother's pitch was on a transit site, and argued that facilities were inadequate, making specific mention of the outdoor toilet. In response to my questions she was unaware of any restrictions on the number of caravans or occupancy at the Cranleigh site, and she was unable to advise whether there was space to provide a day room. She has been occupying this pitch for about two years, and there is no clear evidence that it does not provide a suitable base: indeed living on this pitch should facilitate her caring

duties for her mother. Having regard also to my finding on gypsy status, I give little weight to her expressed need to live on the appeal site.

Personal circumstances

24. Two of the prospective occupants of the site have significant health problems. Mrs Wenman suffers from Crohns disease, and her condition has worsened over the past ten years. The treatment involves connection to medical equipment for a prolonged period each day. She also has osteoporosis and is receiving treatment for a fistula abscess. The young son of David and Samantha Jones (born in April 2013) has hernia, stomach and tonsil problems. He is being monitored for the latter as he is too young to have his tonsils removed. Carly Wenman referred to vertigo migraines which she understands are stress-related. The availability of a settled base is of particular importance for Mrs Wenman and Mr & Mrs Jones's son, and it would facilitate access to healthcare facilities for all of the intended site occupants. Health matters carry important weight in this case.
25. Although there are no children of school age among the intended site occupants, Mr & Mrs Jones's son will be due to start attendance at primary school within two years. There is a primary school in Rudgwick which can be easily reached from the site, and the ability to attend school from a permanent base carries some additional weight in support of the proposal.

Highway safety

26. Naldretts Lane is a narrow road, with no footways, which ends to the east of the Appellant's land: as such it simply provides vehicular access for the properties along the road. The Appellant's traffic survey records an average daily flow of 93 vehicles, with the highest hourly flow being 21 vehicles between 1200 and 1300 on Saturday. NLRA's highways consultant suggested that maintenance work at a property on the road would have led to higher traffic movements than usual during the week of the survey, but there was no information about the level of movement which may have been associated with this activity. In any event NLRA and the Appellant agreed that Naldretts Lane is a lightly trafficked road.
27. There was disagreement about the level of traffic movement likely to be generated by the appeal proposal. Taking account of the circumstances of the intended occupants, the Appellant's highway consultant suggested that there would be between 8 and 24 movements per day. Referring to the TRICS database, NLRA argued that there could be an average of 35 daily movements, and also referred to a range of 24-37 vehicle trips. The proposal is put forward in the first instance as a gypsy and traveller site, without reliance on personal circumstances, and consequently I prefer NLRA's approach. The Appellant and his wife and Carly Wenman (1.5 of the 4 prospective households) are already living at Sussex Topiary, and the traffic survey would have included their traffic movements. Bearing this circumstance in mind, it is more likely that the development would generate additional movement towards the lower end of NLRA's range rather than the 35 trips put forward. This would be a modest level of movement in absolute terms. Traffic levels on Naldretts Lane would remain low, and I do not consider that the additional traffic on the stretch of the road to the west of the site access would materially increase the prospect of conflict between vehicles and more vulnerable road users such as pedestrians, horse-riders and cyclists. Nor do I consider that there would be

an appreciably greater likelihood of reversing manoeuvres to allow vehicles travelling in opposite directions to pass.

28. Visibility at the site access was measured at the site visit. The parties agreed that from a position 2.4m back from the carriageway edge, visibility extended for 37.5m to the west and 34m to the east. With a set back of 2m these distances increase to 41.3m and 54.75m. Vehicle speeds were measured as part of the traffic survey: 85th percentile eastbound and westbound speeds of 21.2mph and 20.4mph respectively were recorded at the bend to the west of the access. The pronounced bend is only about 80m from the access to Sussex Topiary, and given the narrow width of the road I would expect vehicles to be travelling at similarly low speeds past the site access. In its consultation response to the planning application, the Highway Authority commented that although the visibility at the access was not ideal, given low traffic speeds and levels this was not a cause for concern. There would be the opportunity to provide longer splays, since the frontage in each direction is within the Appellant's ownership. However I share the Highway Authority's view that in the circumstances of this proposal, visibility is not unacceptable, and I do not regard such work as necessary. The access would be satisfactory and the existing highway network is adequate to serve the site. As such, criterion 2 in Policy DC 32 of the GDCPD is satisfied. In accordance with criterion 3 there would be adequate space for parking and turning within and adjacent to the pitches, and there is nothing before me to indicate that service and emergency vehicles could not easily gain access to the site.

Listed buildings

29. There are two grade II listed buildings, Warhams and Warhams Cottage, to the north of Naldretts Lane and to the north-east of the appeal site. A third grade II listed building, Naldrett Farmhouse, is situated beyond the end of the road⁵. Chimneys at Warhams can be seen from Naldretts Lane, but none of the listed buildings is readily apparent from the main part of the appeal site, which does not lie within the setting of any of these heritage assets. There would be no adverse effect on the significance of the heritage assets as a result of the proposed development.

Ecology

30. NLRA submitted a desktop biodiversity report from Sussex Biodiversity Record Centre, which summarises records of plants and animals (excluding birds) found within 1km of the appeal site (Document O10). The list includes certain protected species (for example the great crested newt), but no locations are given, and the report does not associate any species with the appeal site. The Council's Ecologist has advised that reptiles may be present given the common weed species on the site, and suggested a condition to control clearance. At the inquiry the Council acknowledged that the presence of reptiles was not proven, and I do not regard the suggested condition as necessary. The vegetated margins of the site are likely to be used by bats. Details of external lighting would be necessary to safeguard the character and appearance of the area, and such a scheme, required by condition, could also be designed to minimise any effect on bat movement.

⁵ The location of the listed buildings is shown on the plan at Document G4.

Flooding

31. There are reports from the local community of flooding on Haven Road and Naldretts Lane, and concern has been expressed that the development would increase run-off from the site. NLRA submitted photographs showing flooding on Haven Road and water across the access to the appeal site (Document O4). However the appeal site is in flood zone 1, where there is least risk of flooding, and a condition could be imposed to require approval of a surface water drainage scheme. I would expect consideration of such a scheme to include an assessment of its compatibility with the surrounding area.

Precedent

32. NLRA and Rudgwick Preservation Society suggest that establishment of the proposed gypsy site could establish a precedent for further such development at Sussex Topiary, where the appeal site comprises only a part of the Appellant's land. Reference is made by NLRA to a proposal to extend an existing gypsy site at Barns Green in Horsham (Document O6), and to the judgement in *Holland & Smith* (Document O7) which supported conclusions in an appeal decision that there would be a precedent effect in respect of any one of four pitches. The full details of these cases are not before me, but *Holland & Smith* relates to four separate appeals for pitches within a larger site which had been subdivided into a series of smaller parcels. These circumstances differ from the situation at Sussex Topiary, which involves a single proposal on land which is not subdivided between different families. The Appellant keeps animals on his land (above, para 20), and there is nothing before me to indicate that a further proposal for pitches may come forward. However should that happen, I would expect the local planning authority to consider such a proposal on its own merits, having regard to relevant planning policies and the cumulative effect of development. I find that concern about a precedent effect is not a matter which carries weight against the appeal proposal.

Sustainability

33. Reflecting the approach of the National Planning Policy Framework (NPPF) to new development proposals generally, the PPTS specifies that traveller sites should be sustainable economically, socially and environmentally. Whilst this part of Policy B (paragraph 13) is included in the section on plan-making, Policy H (paragraph 23) explains that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of policies in the NPPF and PPTS. In the Development Plan, Policy DC 1 of the GDCPD supports proposals which ensure the sustainable development of rural areas.
34. The site is about 1.7km from Rudgwick, where the facilities and services available include a primary school, a surgery, a post office and a convenience store⁶. Rudgwick is close enough to the appeal to be reached on foot or by cycle and car journeys would be short. The appeal site is a sustainable location for a gypsy site, and the proposal complies with criterion 1 in Policy DC 32 of the GDCPD. The location of the site and the provision of a settled base are consistent with the social dimension of sustainability, and there would be no material worsening of highway safety. There would be some economic benefit from the economic activities of the four households (above, para 20). Although

⁶ These facilities and services are listed in paragraph 6.14 of the Council's report on the application.

I have found that there would be some limited harm to the character and appearance of the area, the removal of the existing dilapidated structures is also relevant to the environmental dimension of sustainability, as is the lack of harm, on the information before me, in respect of flood risk, the setting of nearby listed buildings and nature conservation interests. Overall the proposal is broadly consistent with the sustainability objectives in the PPTS, and with criterion (d) in Policy DC 1 of the GDCPD.

Conditions

35. I have already referred to conditions concerning external lighting, surface water drainage, landscaping, and reptile mitigation. Apart from the latter, all would be necessary for the development to proceed. As the site is in the countryside where development is restricted, it would be necessary to limit occupancy to gypsies and travellers. To safeguard the character and appearance of the area, details of the materials to be used in the day rooms, means of enclosure and refuse storage should be submitted for approval. For the same reason, the number and type of caravans should be specified, no commercial activities should take place on the site, there should be a limit on the size of vehicles, and a scheme of tree and hedgerow protection measures should be put in place. In the interest of highway safety, the areas to be used for parking and turning should be provided, and construction times should be specified to safeguard the living conditions of local residents. To ensure that the site would be satisfactorily drained, a scheme for foul drainage should be submitted for approval. For the avoidance of doubt and in the interests of proper planning, it is important that the development is carried out in accordance with the approved plans.
36. Conditions preventing the use of the day rooms for sleeping and preventing burning on the site would be unnecessary. The day rooms would only provide ancillary accommodation, and any separate residential use would be subject to the control of the local planning authority. The layout of the site is such that there is no space where burning would be likely to occur. I address time-limited and personal conditions in my overall conclusions.

Conclusions

37. The proposal for four gypsy pitches in this countryside location would cause some limited harm to the character and appearance of the area, and in consequence there would be conflict with Policies CP 1 and CP 3 of the Core Strategy. I have found no other harm, and the proposal would satisfy the criteria in Policy DC 32 of the GDCPD which is concerned with the assessment of gypsy and traveller sites.
38. The proposal is broadly consistent with the sustainability criteria of the PPTS. The general need for gypsy sites carries significant weight, with important weight arising from the lack of alternative accommodation and some additional weight from the policy approach in Horsham to gypsy and traveller sites. These matters alone clearly outweigh the limited harm which would be caused by the appeal proposal. I have also found that the personal need of three of the households for a site carries significant weight, with important weight attached to health matters and some further weight to education access. However personal considerations do not need to be taken into account in the overall balance, and consequently a personal occupancy condition does not need to be imposed. Similarly, as I have found that the planning balance is in

favour of the proposal for a permanent permission, I do not need to give consideration to a temporary permission.

39. Representations were made to the effect that there would be an interference with the human rights of the prospective site occupants if the appeal were dismissed. As I have decided to allow the appeal, this situation would not arise.
40. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Richard Clegg

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan ref 13_565_001A, proposed site plan ref 13_565_003, and utility/ day rooms floor plan and elevations on plan ref 13_565_004.
- 3) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (August 2015).
- 4) There shall be no more than four pitches on the site, and no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) shall be stationed on each residential pitch at any time.
- 5) No commercial activities shall take place on the land, including the storage of materials.
- 6) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 7) Construction of the utility/ day rooms shall not commence until samples of the materials to be used in the construction of their external surfaces have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) No development shall take place until details of the means of enclosure within the site, including the height and materials, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) No external lighting shall be installed or retained on the site, other than in accordance with a scheme, including details of the position, height and type of lights, which has been submitted to and approved in writing by the local planning authority.
- 10) No development shall take place until a scheme for the disposal of foul drainage, prepared in accordance with the proposed site plan ref 13_565_003 has been submitted to and approved in writing by the local planning authority. None of the pitches shall be occupied until the foul drainage system has been installed in accordance with the approved scheme.
- 11) No development shall take place until a scheme for the sustainable drainage of surface water, including the use of permeable surfacing materials, has been submitted to and approved in writing by the local planning authority. None of the pitches shall be occupied until the surface water drainage system has been installed in accordance with the approved scheme.
- 12) None of the pitches shall be occupied until areas of hardstanding to provide parking and turning space have been constructed in accordance with the proposed site plan ref 13_565_003.

- 13) No development shall take place until a scheme of landscaping, including a programme for implementation, has been submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved scheme shall be carried out in accordance with the programme; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 14) No development shall take place until a scheme for the protection of trees and hedgerows around the site has been submitted to and approved in writing by the local planning authority. The protection measures shall be implemented in accordance with the approved scheme prior to the commencement of development, and maintained until all equipment, plant, machinery and surplus materials have been removed from the site.
- 15) None of the pitches shall be occupied until facilities for the storage of refuse and recycling material have been provided in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 16) No construction work or installation of mobile homes shall be undertaken outside the following times: 0800 to 1800 hours from Monday to Friday, 0800 to 1300 hours on Saturday, nor at any time on Sundays, bank or public holidays.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Green of Counsel	Instructed by the Solicitor to the Council.
He called	
Mr S Copping BA(Hons) DipTP MRTPI	Director, WS Planning & Architecture.

FOR THE APPELLANT:

Mr M Rudd of Counsel	Instructed by Ms R Reed, Green Planning Studio Ltd.
He called	
Mr T Wenman	Appellant.
Miss C Wenman	Prospective occupant.
Mrs S Jones	Prospective occupant.
Miss L Cunningham	Prospective occupant.
Mr M Green BA	Director, Green Planning Studio Ltd.
Mr J P Hurlstone BSc(Hons) CMILT MCIHT	Managing Director, The Hurlstone Partnership.

INTERESTED PERSONS:

Mrs H Rogers	Naldretts Lane Residents Association.
Mr M Ashworth	Naldretts Lane Residents Association.
Mr K Haider BEng MSc CIHT	Associate Director, Vectos (Transport Consultants) (for NLRA.

THE LPA'S DOCUMENTS

L1	Mr R Green's closing submissions.
L2	Letter dated 18 September 2015 from Mr Copping concerning the revised PPTS, the status of the Horsham DPF, and recent decisions on gypsy sites.
L3	Appendices to Document L2.
L4	Extract from the emerging DPF.
L5	Response to Document A8.
L6	Bundle of judgements referred to in Document L1.

THE APPELLANT'S DOCUMENTS

A1	Mr Rudd's closing submissions.
A2	Mr Wenman's statement.
A3	Miss Wenman's statement.
A4	Mrs Jones's statement.
A5	Miss Cunningham's statement.
A6	Mr Hurlstone's proof of evidence.
A7	Appendices to Document A6
A8	Costs application against the Council.
A9	Costs application against Naldretts Lane Residents Association.
A10	Letter dated 17 September 2015 from Green Planning Studio on the revised PPTS and changes to national guidance.

- A11 Comments from Green Planning Studio on the General Development Control Policies document and the emerging DPF.
- A12 Response from Green Planning Studio to Documents L2 and O13.
- A13 Bundle of judgements referred to in Document A1.

OTHER PARTIES' DOCUMENTS

- O1 Letter dated 16 December 2014 from the British Horse Society to Mr Copping.
- O2 Technical note by Vectos (South) Ltd on the highways implications of the appeal proposal.
- O3 Mrs Roger's statement.
- O4 Photographs of flooding on Haven Road, ponding at site access, and lighting on the Appellant's land. Submitted by Naldretts Lane Residents Association.
- O5 Mr Ashworth's statement.
- O6 Horsham DC'S report on a planning application for four gypsy pitches at Barns Green. Submitted by Mr Ashworth.
- O7 Judgement in T Holland & J Smith v The Secretary of State for Communities & Local Government and Taunton Deane BC, [2009] EWHC 2161 (Admin). Submitted by Mr Ashworth.
- O8 Judgement in Wychavon DC v The Secretary of State for Communities & Local Government, K Butler and L Butler, [2008] EWCA Civ 692. Submitted by Mr Ashworth.
- O9 Extract from The West Sussex Landscape Land Management Guidelines. Submitted by Naldretts Lane Residents Association.
- O10 Desktop Biodiversity Report for Land at Naldretts Lane, Sussex Biodiversity Record Centre. Submitted by Naldretts Lane Residents Association.
- O11 Rudgwick Parish Design Statement. Submitted by Naldretts Lane Residents Association.
- O12 Response from Naldretts Lane Residents Association to Document A9.
- O13 Email dated 18 September 2015 from Naldretts Lane Residents Association concerning the revised PPTS.
- O14 Mr Haider's statement.
- O15 Appendix to letter dated 1 September 2014 from NJA Town Planning Consultancy on behalf of Naldretts Lane Residents Association.

GENERAL DOCUMENTS

- G1 List of core documents.
- G2 Draft Local Development Scheme October 2014-2017.
- G3a-b Local Development Framework Proposals Map and Inset Map 15 for Rudgwick and Bucks Green.
- G4 Plan and list entries of listed buildings in the vicinity of the appeal site.
- G5 Extract from the Core Strategy.
- G6 Notification of resumption of the inquiry.