



---

# Appeal Decision

Inquiry opened on 2 April 2013

Site visit made on 7 May 2013

by **D. E. Morden MRTPI**

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

Decision date: 27 February 2014

---

**Appeal Ref: APP/U2805/A/12/2185827**

**Little Meadow, Corby Road, Cottingham, Market Harborough, LE16 8XH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr P Doran against Corby Borough Council.
- The application Ref 12/00012/COU, is dated 26 January 2012.
- The development proposed is the change of use of the land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/dayroom building ancillary to that use.
- The inquiry sat for 3 days on 2 and 3 April and 7 May 2013.

**Summary Decision: The appeal is allowed and planning permission granted subject to the conditions set out in the Formal Decision at paragraph 58 below.**

---

## Application for costs

1. At the Inquiry an application for costs was made by Mr P Doran against Corby Borough Council. This application is the subject of a separate Decision.

## Background and Main Issues

2. The appellant has been on the site since about late 2005 and after an application for planning permission to occupy the site was refused in January 2006 and an enforcement notice issued in April 2006, permission was granted on appeal in February 2007 for a temporary period of three years. The appellant has remained on site and this appeal concerns the non determination of the application seeking permanent permission for the use of the land for stationing a residential caravan and the erection of a utility/day room.
3. There was no dispute between the parties concerning the appellant's status, the Council acknowledging that Mr Doran was a gypsy. It was also accepted by the Council that since the statement of case had been submitted and indeed, since the proofs of evidence had been submitted, the policy situation had changed.
4. The main issues in this case, having regard to the objectives of the prevailing policies in the adopted development plan are firstly, whether the development is materially harmful to the character and appearance of the area and secondly, if that is the case, whether there are any material considerations that weigh in favour of the proposal and do they outweigh any harm identified and thereby justify planning permission being granted in this instance.

## **Policy Framework**

5. Since the previous appeal decision, the National Planning Policy Framework (the Framework) and the Planning Policy for Traveller Sites (PPTS) have both been published (27 March 2012). One year later (27 March 2013) the Framework took on greater significance, paragraph 215 setting out that the weight to be attributed to policies in existing plans became dependent upon their degree of consistency with the policies in the Framework.
6. Policy 9 of the North Northamptonshire Core Spatial Strategy (NNCSS) adopted in June 2008 states that new building development in the open countryside outside Sustainable Urban Extensions will be strictly controlled. Criterion (o) of Policy 13 states that development should conserve and enhance landscape character.
7. Policy 17 deals with gypsy/traveller provision and states that where a need is identified for additional accommodation ..... planning permission may be granted or site allocations proposed subject to three criteria being met. These require that proposals accord with Policy 9 and meet the criteria in Policy 13; that the site is not in an environmentally sensitive area and that the site is closely linked to a settlement with an adequate range of facilities.
8. Saved Policy P10(E) of the Corby Borough Local Plan (CBLP) adopted in June 1997 states that proposals for development in the open countryside will not normally be permitted and that particular regard will be paid to the need to avoid visual intrusion within Special Landscape Areas. Policy P1(E) states that buildings should reflect the character and appearance of the area; natural features should be retained where possible and landscaping where it is used should incorporate mainly native species.
9. In addition there is the Gypsy and Traveller Accommodation Needs Assessment in Northamptonshire (GTAA) produced in 2008 and its update produced in 2011. The former shows needs and provision up to 2012 and 2017 and the update extends the needs and provision totals up to 2022.

## **Reasoning**

### ***Effect on the character and appearance of the area***

10. Dealing with the first main issue, the Council argued that the development was contrary to the advice in the PPTS guidance which stated at paragraph 23 that such sites should be strictly limited in open countryside that is away from existing settlements or outside areas allocated in the development plan. It was submitted that the objectives of the Council's policies, contained in its saved development plan and core strategy, were in accordance with that guidance. There was also no longer any guidance saying that local landscape designations should not be used to refuse permission (which had been there in paragraph 53 of the deleted Circular 01/06); the site was in a Special Landscape Area and greater protection should be afforded to such areas.
11. The parties disagreed about how one might define what was meant by 'open countryside' and 'away from' and there was also disagreement about whether the Framework, when it referred to 'valued landscapes', included land designated as a Special Landscape Area (SLA). The previous inspector (in the 2007 decision), at a time when there was no guidance that mentioned the words 'away from', described the site in paragraph 5 of his decision as 'located

- in open countryside to the east of Cottingham'. That was a simple straightforward description which it seems to me was, and still is, a perfectly reasonable way to describe its location when one stands in Corby Road anywhere between the site and the settlement of Cottingham.
12. Nothing has changed around it; the site is about 450 metres to the east of the built up part of the village sitting on higher land than the nearest properties and, other than some allotments (with their sheds and other structures), which are located virtually opposite the site, and a short nine hole golf course and driving range about 500 metres to the south east, there are only agricultural buildings in a fairly wide area surrounding the site. The built up part of the town of Corby is about 1.2 kilometres to the east.
  13. In my view that is a description of open countryside which I take to mean an area where one finds fields, hedgerows, trees, woodlands and agricultural and services buildings but not too much else in the form of built development. The fact that there is a wooded area to the east of the site does not, in my view, mean that the site is not in open countryside; to include natural features in that way would mean there would be very little land anywhere that could be described as open countryside. The previous inspector described the character as one of open fields broken by mature hedgerows with interspersed blocks of woodland and I see no reason to disagree with that.
  14. Similarly, he remarked that the presence of mature hedges on three of the site's boundaries would assist in screening the caravan and any associated development on the site. He stated that visual impact could be further reduced by the careful siting of all the structures/building/caravans on the site. He still concluded, however, that there would be some erosion of the undeveloped character of the area to the detriment of the appearance of this attractive rural landscape. He stated further, that the vehicular access which incorporated gates and fencing would detract from the area and open up views into the site. Whilst that decision was made in 2007, nothing has changed in the intervening period that would lead me to conclude differently.
  15. Whilst the site is close enough to be visible from those living in the settlement and one equally has a view of Cottingham from the site, it does not mean it cannot be in open countryside as one would generally understand the term. It is not adjacent to the settlement (another matter the parties disagreed on) which, in my view, would require the site to be bordering on boundaries of properties within the settlement or no more than about 20 – 30 metres away from the nearest property.
  16. The appellant tried to draw some distinction between open countryside and other forms of countryside and stated that the guidance would not use the phrase unless there was some purpose in doing so. He disagreed with the Council's view that sites should only be located within or adjacent to settlements; if that had been the case the advice would not have used the word 'open' and would have used 'adjacent' rather than 'not away from'.
  17. In my view, whilst I agree with the appellant that the Council is wrong to regard anything not within a settlement or immediately adjacent to part of its boundary as open countryside, this site is away from the settlement in both a physical and visual sense. It is too far from the nearest properties to be considered to be part of the settlement or adjacent to it. I consider that it is within open countryside.

18. Having said all that however, the important point, which the Council accepted, was that the fact it is within open countryside does not rule out this development, the PPTS guidance at paragraph 23 simply says that in such areas it should be strictly limited.
19. Turning to the impact on character and appearance I acknowledge, as submitted by the appellant, that they are different elements to take into account when making an assessment of the harm caused by the development. Dealing firstly with appearance, I agree with the Council that the site is visible when passing along Corby Road and also when walking along the public footpath that runs across the fields to the west of the site.
20. What is seen is the top part of a caravan and outbuilding which together, introduce a residential element into what would otherwise be an undeveloped site. In my view the development is intrusive and harmful to the appearance of the area. I acknowledge that there is a hedge along the boundary but it is obvious from the footpath that the development is there. From the road, the solid entrance gates are visible and intrusive as are the buildings and boundary fence, the latter being only partially obscured. The appellant argued that the fence is permitted development but were it not for the residential use it is highly improbable that it would be there having a detrimental effect on the appearance of the area.
21. The appellant argued that the Framework at paragraph 109 refers to protecting valued landscapes and this cannot refer to local designations as Councils could just cover their areas with them to prevent development. The area could only be designated having gone through the development plan process so it would have been subject to examination before designation. The Council could not simply cover its area with such designations as suggested by the appellant.
22. In my view paragraph 109 is referring to valued landscapes generally; the reference to areas such as National Parks and AONBs having the highest status comes in paragraph 115 which particularly refers to great weight being afforded to the protection of those areas. It does not mean that only such areas can be valued landscapes which need protection; if they are the areas warranting the highest protection there can clearly be others of a lesser status.
23. Turning to the character of the area, the appellant referred to different boundary treatments, hedges, woodlands, field sizes resulting in a mixed appearance but they are all elements of countryside. I agree that one can see from the site to the village and vice versa and also that there is a fairly large site across the road from the appeal site that is used as allotments and has a disparate collection of mainly wooden structures and enclosures on it.
24. The levels vary to the west where the land mainly slopes down to Cottingham but that does not change its general character. Its character is, in my view, open countryside (as found by the previous inspector) and this development conflicts with that by introducing a residential use and its physical development into that otherwise generally undeveloped area. The site, with its caravan and outbuilding, solid fences and large area of hard surface, is alien to that and detracts from it.
25. As stated by the inspector in the previous decision, the presence of mature hedges on three sides of the site's boundaries would assist in screening the caravan associated development on the site. The visual impact could be

further reduced by the careful siting of what is on the site and landscaping. That would not be sufficient in my view, however, to remove the objection I have identified to this development on visual grounds.

26. Taking all these factors into account I conclude that the development is harmful to both the character and appearance of the area and in conflict with the Council's policies that seek to protect the SLA, in particular saved Policy P10(E) of the Corby Borough Local Plan and Policies 9 and 13(o) of the North Northamptonshire Core Spatial Strategy.
27. The appellant suggested there was no support for the protection of character in the Framework and referred to paragraphs 58 and 64 dealing with character in a targeted way. Those paragraphs are in the section dealing with good design and refer to the built environment and development in settlements in principle. This development is in a countryside area where the main objective is protecting and enhancing a valued landscape.

### ***Whether other considerations weigh in favour of the proposal***

#### *The general need for and supply of gypsy and traveller pitches*

28. Turning to the second main issue, there was no dispute that the appellant is a gypsy. The policies concerning gypsies and travellers are, therefore, relevant and as stated in paragraph 5, the introduction of the Framework and PPTS has changed things since the temporary permission was granted on appeal in February 2007. Also, the Gypsy and Traveller Accommodation Needs Assessment (GTAA) has been produced since that appeal (it was published in 2008) and that has been updated in a further publication (in 2011).
29. There was some disagreement regarding the GTAA figures, the appellant claiming that those in the 2011 GTAA included four temporary permissions in the base figure of 18 (they were due to expire in the life of the GTAA period) and that had resulted in the 2011 update working on the wrong total to arrive at the need for 2022. The Council submitted in closing that this did not matter as it had more than met the requirement set out in the GTAA for the period up to 2017 which was the relevant consideration for this appeal.
30. The 2008 GTAA set out in table 13.18 that current occupied permanent residential/site pitches totalled 0 and the supply for the 2007-12 period would be 14 (based on pitches being built or brought back into use; in this instance that would be made up of eight at Dunlop Close and six at Brookfield). Using the various criteria and calculations set out in the GTAA there would be a need for one additional pitch in the period to 2012 and another two in the period 2012-17 giving a total of 17 in 2017 (these totals are shown in table 13.19).
31. The 2011 update set out in table 3.1 that there were 14 permanent pitches and four temporary pitches. The 14 consisted of those brought back into use at Dunlop Close and Brookfield - the supply figure included in the 2008 GTAA. The four temporary pitches listed were this appeal site which (as stated in paragraph 3.9 immediately following table 3.1) in 2007 was given temporary permission (on appeal) and three other pitches (at the nearby Ashley Road site - about 3.5km away) granted permission for a temporary period in 2009 for four years but given permanent permission on an appeal heard in 2012 against the time limiting condition. It also stated in the 2011 GTAA update at paragraph 6.15 that 4 more pitches were to be provided at Dunlop Close.

32. Taking the 2011 update when it was published the appellant was correct (as the inspector in the Ashley Road decision also pointed out) that the base figure of 18 for current occupied permanent site pitches in table 13.18 was wrong. It included not only the 14 permanent pitches but the four temporary pitches (from paragraph 3.9). The four extra at Dunlop Close were included further down in the table as planned supply; that is clear from paragraph 6.15 of the GTAA. That error does not, however, make any difference to what the 2022 figure (shown as 19) should be despite what the appellant argued.
33. Adjusting the table to correctly place the four pitches with temporary permission in the need section will obviously reduce the base number to 14 to account for them somewhere. It is most easily set out by reproducing the table as published and then as it should be if the 18 is corrected to 14.

The tables referred to in paragraph 33.

First the as published version and secondly the table as it would be with the figure of 18 corrected to 14 and adjustments made by putting the 4 the subject of temporary permissions into the need section. The tables are shown in part rather than full and include only the relevant information to show the numerical error referred to in the base figure and its effect on other totals in the table.

Published table 6.11 – North Northamptonshire GTAA 2011

Part Table 6.11 – Five year estimate of the need for permanent/residential site pitches (2012-17)					
1) Current occupied permanent/residential site pitches					18.0
Current residential supply – made up of 2) – 7) inclusive					6.4
Current residential need – pitches; made up of 8) – 13) inclusive				3.5	
Current residential need – housing; made up of 14)				plus 0.7	
Total need – made up of 8) – 14) inclusive					= 4.1
Balance of need and supply					
Total need					4.1
Less total supply					6.4
Total additional pitch requirement (rounded down)					= -2.3 → -2.0
Part Table 6.12 – Ten year summary (2012 – 2017) (Corby)					
	Base numbers - 2011	Additional need 2012 - 2017	Additional need 2017 - 2022	Additional need 2012 - 2022	Numbers at 2022
Residential pitches	18	-2	3	1	19

NB. The total need figure has been left as 4.1 as that is how it is set out in the table (similarly 7.1 rather than 7.2 in the corrected table below). There are various figures in the district subtotals that appear incorrect by + or - 0.1.

Corrected table 6.11

Part Table 6.11 – Five year estimate of the need for permanent/residential site pitches (2012-17)					
1) Current occupied permanent/residential site pitches					14.0
Current residential supply – made up of 2) – 7) inclusive					6.4
Current residential need – pitches; made up of 8) – 13) inclusive				7.5	
Current residential need – housing; made up of 14)				plus 0.7	
Total need – made up of 8) – 14) inclusive					= 8.1
Balance of need and supply					
Total need					8.1
Less total supply					6.4
Total additional pitch requirement (rounded up)					= 1.7 → 2.0
Part Table 6.12 – Ten year summary (2012 – 2017) (Corby)					
	Base numbers - 2011	Additional need 2012 - 2017	Additional need 2017 - 2022	Additional need 2012 - 2022	Numbers at 2022
Residential pitches	14	2	3	5	19

34. As can be seen, if the natural growth figure is left as set out in the GTAA (even though the starting base number is lower) the number would still be 3 for the 2017 - 2022 period and the number that would exist in 2022 would still be 19; the same as on the published table.
35. As stated by the Council there have actually been 21 pitches provided at the date of this inquiry. These consist of the 14 at Dunlop Close and Brookfield; plus the four extra at Dunlop Close shown at point 6) of table 6.11 as 'to be provided between 2012 and 2017'; plus the 3 on the nearby Ashley Road site that were allowed on appeal in March 2013. Those three plus this appeal site were the four that needed to be deducted from the 18 in the second table above and they have been put into the need section at point 10) in table 6.11.
36. The appellant also argued that the original GTAA and, therefore, its update, was flawed underestimating the movement to/from bricks and mortar, that an unauthorised site had been missed off and also the compound growth rate was too low and so, therefore, was the need. There was no evidence to support these assertions and also no other cases were put forward where it could be shown that the methodology in the GTAA had been criticised on these aspects.
37. The Council submitted that the need to 2017 has therefore been exceeded and as 19 is the requirement to 2022 there is no reason for this site to be allowed. I conclude on the figures at least that the appellant's arguments that the 2017 and 2022 totals should be higher are without foundation. Having said all that,

the fact is that the appellant is on a site without permission in the borough; if the site had been shown correctly in the GTAA 2011 Update it would have appeared under point 10) in table 6.11 as a family unit on an unauthorised development requiring a residential pitch in the area. If there is no alternative site available then in my view that demonstrates that despite what the figures suggest, a need exists for another site particularly as there was no suggestion from the Council that the appellant ought not to be within Corby's area.

*The availability of alternative sites*

38. The Council argued that there were vacancies on its Dunlop Close site and that was the situation most of the time; it was an available alternative for the appellant and near enough that there would be no need for any change of school. The site had opened in 2009 and it was not until around April/May 2012 that it was filled for the first time and even then that was only for a short period and by August 2012 it had six of the 12 pitches available again. The three families that the site was originally intended to make provision for had all gone out of the borough or moved of their own accord into housing. On the current list there was no one who had been on it 12 months previously and when people were offered places they were often not taken up.
39. The appellant made a number of assertions about the availability, suitability and acceptability of the alternative sites. His view was that the Council had let the site be dominated by one family and this always resulted in others being deterred from going on to the site or frightened off if they were on there. That is why offers of a pitch were not taken up. For the majority of the time the site had been open there were few if any vacancies and there was a waiting list. Mr Wilkins for the Council denied this and stated that the family being referred to were not there during the first two years and the letting problem was the same. In any event that was not the case and most of that family had left in August 2012.
40. The appellant suggested that care should be used in placing reliance on Mr Wilkins 'on the ground' evidence as needs assessments were carried out using accepted and published guidance and it was not acceptable to amend those assessments by way of his anecdotal evidence. Mr Wilkins was not doing that and the Council was simply relying on him providing the best evidence to the Inquiry about what was actually happening on a day to day basis. I agree that he was the person most informed as the manager of the site to be able to give evidence concerning the take up and refusal of pitches offered, the waiting list and its make up and vacancy levels at the site.
41. There was, however, no dispute that it was only a choice of Dunlop Close the other site at Brookfield being occupied by new age travellers and it was accepted that the appellant could not move there. The appellant stated that he did not want to go on to the Council site, even though he accepted that tenants who had caused trouble had been evicted in the past. His view was that one bad tenant made it difficult for everyone and forced you to leave although he offered no further information concerning that.
42. At the time of the inquiry there were no vacancies and there had been a lot of interest since the site was featured on a recent TV programme although five who went on to the waiting list were not local. Mr Wilkins' view was that it showed an interest in living on a well appointed site rather than proving a need for more pitches in Corby. The waiting list was regularly reviewed and of the



- most recent review the four who remain interested are not local. The appellant having lived in the area for a number of years would probably go to the top of the list. Mr Wilkins accepted however that there were currently no vacancies even though he stated that the site seemed to have a regular turnover and he was sure there would be vacancies within the next few months.
43. In terms of the evidence before me, however, without going into the question of whether the site was suitable, affordable or acceptable, there were no alternative sites actually available at the time of the inquiry and Mr Wilkins could not be absolutely certain that any would become available at Dunlop Close; and even if they did so he could not be certain when that would happen.
44. A further point that has to be made, which the appellant submitted under a 'heading' of failure of policy, and that the inspector referred to in the Ashley Road appeal decision at paragraph 28 was that the Council has all its provision focussed on public sites. The PPTS (in the introduction) states that its intention is to promote more private traveller site provision (and in that sense it has not changed from CO1/2006 which was the advice when the Ashley Road appeal was determined). The appellant submitted that was overly restrictive and against the aims of the PPTS and the inspector in the Ashley Road case stated that far from achieving the objective of what was then the guidance and is now policy, the Council's stance effectively prevented any gypsy seeking to establish a private site in the Council's area.
45. In this instance the Council has developed a site located next to a power station that is surrounded by a 2.5m high chain link fence and has more chain link fencing between the plots on site. There is a large industrial estate to the west and south west and another to the south east. Each plot is concreted over and despite the presence of a wooden dayroom building on each pitch it has all the appearance of some sort of divided up car park with some buildings on it. There is a very small play area right at the entrance alongside the road with a chain link fence around it but also hard surfaced and it is smaller than the size of a tennis court. The appellant submitted that it had the clear sense of deliberate detachment from the settle community – in short a ghetto, and seemed part of the Council's policy to keep gypsies and travellers isolated. In my view, even if there was a vacancy at the site it would be doubtful that it could be regarded as suitable for a family which included young children as this one does.

*The appellant's accommodation needs and other personal circumstances*

46. As to the appellant's accommodation needs and other personal circumstances, the Council did not dispute the local family ties of the appellant's wife or that the family had resided in the area for some time now. There are three children living on site, one a teenager and two others much younger but the eldest is home tutored, the middle one attends school and the youngest will be old enough to attend pre school/nursery in about a year. The family has an immediate need for a permanent site and there is no guarantee of immediately moving on to the Council's site even if the appellant was willing to do so.

*Balancing exercise and conclusions*

47. In looking at the effect of the development on the character and appearance of the countryside and in particular the SLA, I have found that there is some harm to its character and appearance. That is inevitable as there is development

there where there previously was none. The site can be seen from the settlement and the public footpath but it is against a background of an area of woodland and it was agreed that landscaping could provide some mitigation to its intrusion into the landscape. I concluded that the site was harmful but acknowledge that other development can be seen (the large allotment site with its disparate collection of structures and enclosures is located right opposite) so it could not be described as an intrusion into an otherwise isolated location.

48. Weighed against this are a number of important material considerations in the appellant's favour and to which I consider significant weight should be attached. Whilst the GTAA suggests there is no need for further provision of sites, the appellant is on an unauthorised development and clearly has a need for a permanent site. There was no clear evidence that an alternative site would be available at the appropriate time and if the family has to leave this site it would have to resort to unauthorised camping or staying by the roadside if this appeal is dismissed. This would result in a significant interference with their home and their family life. There is also the need of the children to continue their education uninterrupted which would not happen if the family had to move on.
49. In my view these material considerations in favour of the development when taken together outweigh the harm identified and justify planning permission being granted in this instance. I have given consideration to granting a temporary permission rather than a full permission. In my view there seems little likelihood of the Council identifying any further sites bearing in mind its stance regarding the GTAA and its submission that no further sites are necessary through to 2022. It also cannot be guaranteed that there would be a vacancy at the Council's own site in Dunlop Close, the only alternative.
50. In all these circumstances, therefore, I conclude that permission should be granted subject to appropriate planning conditions, all of which were discussed at the inquiry.

### **Other matters**

51. I have had regard to the human rights of the family in question and the best interests of the children in considering the arguments put forward. However, as I intend to allow the appeal and grant permission there would be no interference with their rights or interests. Indeed such permission would be consistent with the requirements of the Human Rights Act 1998 and Article 8 of the European Convention on Human Rights facilitating respect for family and private life. I have also had regard to the Public Sector Equality Duty set out in s149 of the Equality Act 2010 in considering all the arguments put forward by the parties in this appeal.

### **Conditions**

52. A number of conditions were discussed by the parties with agreement on most of them. It would be appropriate to limit the occupation of the site to a gypsy or traveller bearing in mind the basis on which the permission is justified and similarly the number of caravans allowed to be stationed on the land should be limited to two of which one should be a static caravan and the other a touring caravan. A condition prohibiting commercial activity taking place on site and restricting the size of any commercial vehicle parked on the site should be imposed and also bearing in mind its location, samples of the materials to be used in the construction of the day room should be approved by the Council.

53. A landscaping scheme would be appropriate to mitigate the visual effect of the development and also a condition requiring the replacement of any plants that die within the first five years. There was some disagreement about which details should be included in the condition that required the use to cease unless certain matters were submitted, approved and implemented. The Council proposed that the details to be submitted on this basis were the design and position of gates and fences, foul and surface water drainage, all external lighting and any hard and soft landscaping.
54. The Council also included in this condition the requirement to carry out the development in accordance with a particular site layout plan. That is necessary as the development is not complete and it should therefore be finished in accordance with those details but will be added separately as it does not fit the wording of that condition. The appellant questioned whether it was necessary to have to submit details of drainage approved as both foul and surface water schemes were installed and working perfectly. He also considered there should be no need for details of the hard landscaping as this had already been undertaken and similarly the fencing and gates were already in place.
55. The wording of the condition requiring the use to cease within a certain time if particular details are not submitted, approved and implemented is standard and ensures that the appellant has recourse to appeal should it prove difficult to get the submitted details approved. I agree that the hard surfaced areas have already been completed as have the fencing and gates. I am satisfied that they are acceptable and a condition requiring no alterations to those will suffice. I consider that details of any external lighting and the drainage ought to be submitted to ensure that what is there is acceptable and will not lead to any contamination or flooding of adjoining land or ditches.
56. The appellant stated that he would accept both a personal condition (occupancy only by him) and a temporary permission if the appeal would otherwise be dismissed. I have already determined that permanent permission is justified and acceptable and the Council did not see the necessity to make that permission personal; I do not disagree with that.

### **Overall conclusion**

57. For the reasons given above I conclude that the appeal should succeed and I will grant planning permission subject to appropriate conditions.

### **Formal Decision**

58. The appeal is allowed and planning permission is granted for the change of use of the land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and the erection of a utility/dayroom building ancillary to that use at Little Meadow, Corby Road, Cottingham, Market Harborough, LE16 8XH in accordance with the terms of the application Ref: 12/00012/COU, dated 26 January 2012 and the plans submitted with it, subject to the following conditions:
- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1.1 of Planning policy for traveller sites (published in March 2012).
  - 2) There shall be 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) stationed on the site at any time.
- 3) No commercial activities shall take place on the land including the external storage of materials.
  - 4) No more than one commercial vehicle shall be kept on the land for use by the occupiers and it shall not exceed 3.5 tonnes gross unladen weight.
  - 5) Notwithstanding the details shown on drawing no. 11\_458\_004 the construction of the utility/day room hereby approved shall not commence until samples of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. That part of the development shall only be carried out in accordance with the approved details.
  - 6) The development shall be completed, where elements have not so far taken place, in accordance with the layout shown on drawing no 11\_458\_003A. The layout shall thereafter be retained as approved.
  - 7) The hard surfacing (as detailed on drawing 11\_458\_003A and completed on the site) and the fencing/gates shall be retained as constructed.
  - 8) The use and building operations hereby permitted shall cease and/or be removed and all equipment and materials brought onto the land for the purposes of such use and all materials resulting from the demolition shall be removed, within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
    - i) within 3 months of the date of this decision a scheme providing details of (a) arrangements for the disposal of foul and surface water drainage from the site; (b) all external lighting and (c) soft landscape works shall have been submitted for the approval of the local planning authority and the scheme shall include a timetable for its implementation.
    - ii) within 11 months of the date of this decision, if the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period an appeal shall have been made to, and accepted as valid by, the Secretary of State.
    - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
    - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.
  - 9) 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.

*D E Morden*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mr David Lintott	Counsel, instructed by Corby Borough Council
He called	
Mr D Wilkins	Health Protection Manager, Corby Borough Council
BSc (Hons) CIEH	
Mr D Wishart	Planning Officer, Corby Borough Council
BA MA MRTPI	

### FOR THE APPELLANT:

Mr Matthew Green	Principal, Green Planning Solutions
He gave evidence and called	
Mr P Doran	Appellant

### INTERESTED PERSONS:

Mr C Ashworth	Cottingham PC member
Mr M Spalding	Interested person

## **DOCUMENTS**

- 1 Council's letter notifying people about the Inquiry arrangements
- 2 Signed witness statement of the appellant
- 3 Design and access statement and plans submitted for the Ashley Road site
- 4 Statement from Mr M Spalding (interested person)
- 5 Cases referred to by the Council in closing submissions
- 6 DCLG decision referred to by the appellant in closing

## **PLANS**

- A Index of photograph positions (relevant to photos in Council's appendices)
- B Plan showing Special Landscape Areas within the Council's area