

Appeal by Larissa Jennings

Appeal against the refusal of Planning Application 20/01747/F at Land to the South of Widnell Lane, Piddington,

Statement of Case

October 2020

Our Ref: SWEENEY301020

LPA Ref: 20/01747/F

PINS Ref: TBC

Personal

1. The statement has been prepared by Larissa Jennings acting as agent for the applicant. I have had extensive experience in handling planning applications relating to Gypsy & Traveller sites and assisting applicants with their applications and any subsequent appeals.
2. The evidence which I have prepared and provide with this appeal is true to the best of my knowledge and the opinions expressed are factual and true.

Introduction

3. This statement will seek to demonstrate that the refusal for the above planning application can be overcome and the reasons for refusal mitigated.

Consideration with regards to the refusal reasons

4. This application seeks planning permission for the change of use of the land to be used as a gypsy and traveller caravan site comprising 6 pitches, each pitch containing one mobile home and one touring caravan. The proposals include the improvement of the existing site access, which includes the widening of the access to the site to approximately 9m to allow for two way traffic. The proposal also includes construction of a driveway through the site and each pitch can be accessed from the main site driveway. The site access is to be hard surfaced and the driveways within the site are to be constructed from permeable materials.
5. The application as validated and accepted by the Council on 2nd July 2020 and was refused on 15th October 2020. The refusal was based upon three main points which I will address individually as follows. Please note that no objections were received from Oxford County Council Major Planning, Environmental Protection, Landscape or Environmental Health.

Point 1 - The council states that the proposed development, by virtue of its siting in open countryside, overall scale and appearance, would have an urbanising effect on the countryside and would result in significant and demonstrable harm to the rural character and appearance of the area.

The only potential conflict would relate to the proposed sites effect on the landscape. It is obvious that the addition of mobile homes, hardstanding, and some domestic paraphernalia, would be a new addition to the landscape. To a certain extent this would have an urbanising effect on any agricultural field within the open countryside. However, the PPTS Policy H states that Local Planning Authorities (LPAs) should attach weight to sites being well planned or soft landscaped in such a way to positively enhance the environment and increase its openness. Landscaping has been proposed around all the pitches to provide a softer setting. Yes, the pitches would still be slightly visible from Widnell Lane and the proposed development and would therefore cause some harm to the rural character and appearance of the landscape. However, this could all be mitigated by conditions.

The proposal would not dominate the nearest settled community. The site is located approximately 1km from Piddington and is therefore not visible from the village and furthermore, would not be a prominent feature within the surrounding landscape due to existing hedgerows and proposed planting which would offer screening to the site. It should therefore be considered that due to the siting of the proposal and because only 6 pitches are proposed, the proposed development is of a scale that would not dominate the nearest settled community. Should permission be granted, it could be easily controlled by a landscaping plan and lighting plan as conditions.

This view is also echoed by the Council's own Landscape department who had no objections and proposed the same requirements as that which was suggested by the applicant. There has also been some confusion by the Parish Council that this site already has permission for 6no pitches and has an application in for a further 6no pitches so with this application there would be 18no pitches. This is an error on their part as they are talking about another site which was allowed at appeal and is yet to be established. The site which is subject to this appeal is for 6no pitches only.

Regarding whether the proposal would dominate the nearest settled community, the site is located approximately 1km from Piddington and is therefore not visible from the village and furthermore, would not be a prominent feature within the surrounding landscape due to existing hedgerows and proposed planting which would offer screening to the site. I would therefore confirm that due to the siting of the proposal and because only 6 pitches are proposed, the proposed development is of a scale that would not dominate the nearest settled community. Overall the development will result in some harm to the landscape character of the area and the visual amenities of the locality although this harm would be relatively localised to the proposed development.

Point 2 - The planning application has not been supported by adequate information to demonstrate the impact of the proposed development in protected species has been properly understood and the requirement for mitigation to secure net gain biodiversity can be met.

A groundsure report was commissioned and also a desktop study which was submitted with the application. This proved that there were no protected species shown on the application site. However, a further report is being commissioned now to show that this ground for refusal can be fully mitigated. The report has been delayed due to the current Covid-19 restrictions, but a letter will be supplied to show that a company has been commissioned to provide the report as soon as possible.

Point 3 - A flood risk assessment has not been submitted with this application, Therefore, an assessment has not been made of the flood risk arising from the proposed development and it has not been clearly demonstrated that the development and its future users will be safe over the lifetime of the development.

The site is identified as being within Flood Zone 1, which is land which has a less than 1 in 1,000 annual probability of river flooding. Policy ESD6 of the Cherwell Local Plan Part 1 and the NPPF state that a Flood Risk Assessment (FRA) is required for proposals of 1 hectare or more in in Flood Zone 1. The site does not exceed 1 hectare therefore an FRA is not required. This has been echoes by Oxford County Council Major Planning who stated that since the site was less than 1 hectare that they had no comment as it was classed as a minor development.

Conclusion

6. Looking at the reasons for refusal, I would confirm that planning permission should be granted. The ground for refusal can all be mitigated by standard landscaping conditions along with ant biodiversity conditions should they arise through the commissioned report due to follow which is being carried out on 11th November 2020.
7. The third ground for refusal which related to an FRA not being submitted is irrelevant and should be disregarded as the site does not meet the requirements for which an FRA is needed for the reasons given above. Any surface water issues would be dealt with by virtue of the fact that the applicant will connect to mains water/sewers.
8. Therefore, I would urge the inspector to allow this appeal and grant the necessary conditions.