

Planning and Development

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Your Ref: **APP/C3105/C/21/3268454**

23rd August 2021

Dear Sir/Madam

Town and Country Planning Act 1990

Appeal by James Doran

Site Address: Land at The Stables, Main Road, Great Bourton, Banbury, Oxfordshire, OX17 1QU

With regards to the above-mentioned appeal, we thank you for the opportunity to comment on the Appellant's statement. In reviewing the statement, the Council would like to raise a number of points for the Inspector to take into account.

With regards to the point made in paragraph 3.10 of the Appellant's statement the reference to Policy C of the Planning Policy for Traveller Sites (PPTS) the Appellant appears to suggest that this policy encourages sites in the rural areas by stating that sites may be located in the rural and semi-rural areas. In considering the wording of Policy C the Council would suggest that rather than encouraging sites in the rural area the wording of the Policy simply provides guidance in dealing with sites in the rural areas. This is not to suggest that the Council considers that there should be a proscription on providing gypsy traveller in the rural areas but that in the interests of sustainable development there should be a preference for sites in accessible, non-rural areas.

The Council welcomes the Appellant's consideration at paragraph 5.3 of the Appellant's statement of the Appellant's gypsy status, as this is a point of question raised as part of the Council's statement. However, having highlighted that the Appellant is an Irish Traveller the statement then goes onto to confirm that the Appellant already has a site, having obtained permission for an expansion to their site in Farnborough. In the 2016 application for an expansion of the Farnborough site the applicant's address was provided as The Stables Farnborough Road Mollington. Since the Appellant already appears to benefit from a site and an address, the Council questions the Appellant's need for a further site not far from their existing site / address.

Staying on paragraph 5.3 the Appellant highlights the point that at the time of the enforcement notice the caravan was occupied and that the caravan would be occupied by gypsies and travellers subject to a condition to ensure this remain the case. In this regard the Appellant appears to suggest that although the

caravan was occupied at the time of the notice the Appellant uses the past tense to suggest that the caravan is now vacant. The Appellant would also suggest that the caravan would not be occupied by a single gypsies / traveller family unit but would be used by different families at any one time. The reason for this suggestion is that the Appellant makes the point that *the appeal under ground (a) is advanced on the basis that the caravan site would be occupied by gypsies and travellers*. As such it is assumed that the caravan would not be used by the Appellant but would be open to use by another, otherwise unknown gypsies / traveller family, the circumstances of which are unclear from the information provided.

The Appellant suggests under paragraph 5.3 that the Council's second reason listed on the enforcement notice relating to housing policies in the adopted local plan is not relevant as, according to the Appellant, these policies are aimed at housing for the general population and therefore should not be used for gypsies / traveller applications. The Council notes this point but would highlight that the wording of saved Policy H18 is aimed at housing, which is a form of residential accommodation, which is the sole purpose of a caravan. Furthermore, saved Policy C8 covers the issue of sporadic development in the open countryside which doesn't specify that this is only aimed at housing but any development. As such the Council submits that the second reason outlined in the enforcement notice is relevant and should remain.

Turning to the issue of the principle in paragraph 5.4 the Appellant highlights the view of an Inspector on an appeal in Shawbury and the distance involved from the appeal site to the nearest settlement and that this makes the principle of the development acceptable. The Council submits that there is more than just distance to a settlement to consider in terms of the principle of the development.

The Appellant highlights that the Council does not have a 5-year supply of pitches and this point is noted in the Council's statement. However, this does not mean that any application should be approved regardless of acceptability. Paragraph 27 of the PPTS highlights that the lack of a supply should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. This application is not for a temporary permission but for a permanent use of the site for a residential caravan.

In terms of the suitability of the site for a caravan site the Appellant suggests that the site is located close to the category A village of Cropredy which has a number of village services such as a GP surgery, post office, public house and primary school. The Appellant also highlights under paragraphs 5.8 and 5.11 that the site is within a reasonable / short walking distance to the bus stop located opposite the primary school and from this it is assumed that the Appellant considers that the village and all the services is within a 'reasonable' walking distance.

The access from the site to the village is along Main Road which links Great Bourton and Cropredy. This access road is not provided with any street lighting, nor public footpath until the edge of Cropredy and has a speed limit of 60 mph. The grass verge on the side of the site is neither wide nor flat, meaning that pedestrians would need to walk in the road which, during evenings and winter when visibility is poor, is not safe for pedestrians particularly if the pedestrians include children. For this reason occupiers of the site are more likely to use a private vehicle contrary to what the Appellant suggests in paragraph 5.11, and as such the Council would question the Appellant's suggestion that the site is within a reasonably accessible location to nearby services if walking.

On the issue of flooding the Council submits that part of the site is positioned adjoining an area of surface water flooding and as such any application would need to demonstrate that measures are in place to mitigate against this risk. The Appellant suggests at paragraph 5.13 that the caravans or mobile homes located at the rear of the site would be positioned 600 mm above ground and tethered, all of which would appear to suggest that the Appellant is aware of the potential risk and as such the Council's reason outlined in the enforcement notice is relevant.

Furthermore, as the Appellant's suggestions have not until now been outlined, the suitability of these measures have not been assessed by the Council's drainage engineers. It is also noted that the Appellant makes reference to caravans and mobile homes which it is assumed means that, in the event that the appeal was successful, the site would be home to more than one caravan on the site.

Turning to the issue of impact of the development on the open countryside the Council's case is outlined in the Council's statement and the Appellant has not provided any further evidence to overcome this concern. Although the Appellant considers that the site is of no environmental merit as it is not allocated for any particular landscape value in the Development Plan the Council submits that the site is located within a traditional rural landscape which in itself has its own character. For this reason, the Council is not convinced that the development does not result in any harm to the rural tranquillity of the open countryside in this location.

In paragraph 5.22 the Appellant refers to the criteria outlined in paragraph 24 of the PPTS as being relevant to the consideration of any application for a traveller site. The Council accepts that this is a material consideration in any such application. However, in considering the list of points the Council submits that the Appellant has failed to comply with points b, and c.

The Appellant highlights that he has an existing address / site in Farnborough and therefore the Appellant has failed to demonstrate that he has the need, and has not provided any information to demonstrate personal circumstances for the site the subject of the appeal.

The Appellant has not provided evidence that the site is required for a particular family but simply states that the Council does not have a 5 year supply of sites and therefore there must be a demand.

The Council's objective assessment of need (meeting the Planning Definition) is 15 (7+8 from the Smiths Caravan Park) as reported in the 2020 AMR. This is from the 2017 GTAA. As at 31 March 2020, 8 pitches had been delivered, leaving 7 remaining pitches to be delivered by 2032. The Council accepts that from 1 April 2021, the 5 year supply of gypsies and traveller pitches was 0 years and this point is not disputed in the Council's statement. However, the Council again submits that this needs to be assessed against the harm of the development and the lack of firm evidence that the site is required for a particular family and their needs can be assessed as part of the consideration of the appeal / application.

I trust that the Council's comments will be of assistance to the Inspector in his/her consideration of the appeal.

Yours faithfully

Wayne Campbell