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**ASSOCIATES LTD**

CHARTERED TOWN PLANNERS  
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Development Management  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA

11 January 2024

Dear Sir/Madam,

**RE: PROPOSED GYPSY CARAVAN SITE  
LAND SOUTH OF WIDNELL LANE, PIDDINGTON**

Please find enclosed completed application forms, plans, supporting information and requisite fee in respect of the above-mentioned matter.

**PLANNING STATEMENT**

Planning permission was granted on appeal on 28 October 2019, under planning application No. 17/01962/F, for *'material change of use of land to use as a residential caravan site for six gypsy families, each with two caravans, including improvement of the access and laying of hardstanding'*. This permission has been implemented by reason of improvement of the site access.

Planning application No. 20/01122/F was submitted in June 2020 for the change of use of land to use as a residential caravan site for 12 gypsy/traveller families, each with two caravans, including improvement of access, laying of hardstanding and installation of package sewage treatment plant. This application envisaged extension of the site approved under application No.17/01962/F, southwards, away from Widnell Lane, to provide an additional 6 pitches. Planning permission was refused by the Council and, an appeal was dismissed on 19 April 2023.

## **Proposed Development**

The current application is a re-submission of application No.20/01122/F to change the use of the land to use as a residential caravan site for 12 gypsy/traveller families, each with two caravans, together with the laying of hardstanding. Access to the site would be via the entrance approved under the previous planning permission.

## **Planning Considerations**

Local Plan Policy BSC6 sets out a sequential approach to the selection of suitable sites for gypsies and travellers, with preference given to sites within 3 kilometres road distance of Banbury, Bicester or a Category A village. Arncott is listed as a Category A village in Policy Villages 1 of the Local Plan, and the appeal site is less than 3km from this settlement. Accordingly the proposal complies with the sequential part of Policy BSC 6.

Policy BSC6 also requires an assessment of the suitability of sites against the following generalised criteria:

- a) Access to GP and other health services;
- b) Access to schools;
- c) Avoiding areas at risk from flooding;
- d) Access to the highway network;
- e) The potential for noise and other disturbance;
- f) The potential for harm to the historic and natural environment;
- g) The ability to provide a satisfactory living environment;
- h) The need to make efficient and effective use of land;
- i) Deliverability, including whether utilities can be provided;

j) The existing level of local provision;

k) The availability of alternatives to applicants.

With regard to criteria (a), (b) and (i) the Inspector for the 2019 appeal made the following finding: *“The appeal site is not in a location away from settlements where traveller sites should be very strictly limited in accordance with PPTS, and it would enable reasonable access to facilities and services. Necessary utilities are capable of provision to the Appellant’s land. I conclude that the appeal site is a sustainable location for gypsy accommodation”*.

The Inspector for the 2023 appeal accepted his predecessor’s analysis of the site’s compliance with criteria (a), (b), (d), (e), (g), (h) and (i), and identified the main issues as comprising:

- the effect of the proposal on the character and appearance of the appeal site and surrounding area;
- the effect of the proposal on biodiversity and protected species; and,
- the effect of the proposal with regard to flood risk, with particular regard to surface water drainage.

With regard to the first of these issues, the Inspector came to the following conclusions:

*“9. I accept that the proposal would extend further into the countryside than the previous scheme and would result in more development than that previously approved. Consequently, there could be some adverse landscape and visual effects caused by the proposal. However, I am satisfied that otherwise unacceptable development could be made acceptable in this instance, through the imposition of suitably worded conditions to secure a suitable landscaping scheme to overcome the localised impact of the proposal.*

*10. For the reasons given above, I conclude that the proposal would not harm the character and appearance of the appeal site or surrounding area. Therefore, the proposal complies with LP Policies ESD13, ESD15, SLP Policies C8, C28, which collectively seek to secure the maintenance of the rural character,*

*enhancement of the character and appearance of the landscape, respect for an area's unique built, natural and cultural context, maintaining the attractive, open and high standard of development, amongst other things. The scheme would also accord with the requirements of the National Planning Policy Framework (The Framework)."*

With regard to the second of the main issues, the Inspector concluded that: *"it has not been demonstrated that the proposal would not harm protected species, with particular regard to GCNs. Therefore, the proposed development fails to comply with LP Policy ESD10, which seeks protection and enhancement of biodiversity and the natural environment, amongst other things. The scheme would also fail to accord with the requirements of the Framework."*

To address this issue, the applicant has commissioned a further Ecological Assessment which demonstrates that: *"The proposed works to extend the number of pitches to accommodate 12 gypsy families will not result in a significant loss of semi-improved grassland, as all the land around the development site consists of the same type of habitat and is being retained, as are the neighbouring fields which also contain semi-improved grassland. The impact on Great Crested Newts will be negligible, as the works to create the additional pitches are minor and temporary, and the mitigation strategy will ensure that no amphibians will be harmed. There will be no loss of core Great Crested Newt terrestrial habitat"*.

As such, the proposed development would satisfy criterion (f) of Local Plan Policy BSC6.

### **Need and Alternative Sites**

In a very recent appeal decision (26 October 2023) for a traveller site on land at The Paddock, Main Road, Great Bourton (APP/C3105/W/23/3317383), the Inspector made the following findings:

*"17. The Council accepted at the Hearing that there is currently a shortfall in the 5 year supply of suitable and deliverable gypsy and traveller sites in the district required by Policy BSC 6 of the LP. Having regard to the 2017 GTAA, the Annual Monitoring Review, 2021 (AMR) undertaken by the Council, and taking into account the loss of eight pitches at Bicester trailer*

*site and recent approved pitches at Kidlington, The Stables, Chesterton, Widnall Lane and Mollington, the Council calculate there is in total an under supply of some three pitches.*

*18. The appellant considers that the under-supply is likely to be substantially greater. He argued at the Hearing that the GTAA is now six years old and considering the findings of the Lisa Smith Judgement, there is not an up to date understanding of need for the district. Furthermore, the 2017 GTAA has not been through the Local Plan examination process and the response rate to interviews in the GTAA and AMR was less than 20%. 19. Although the Council intend to allocate sites through a further review of its development plan, they are currently unable to identify any suitable or available sites. There is clearly a need for further pitches to be delivered and the absence of a 5 year supply of specific deliverable sites provides weight in support of allowing the appeal."*

As such, considerations (j) and (k) of Policy BSC6 both weigh in favour of the proposed development. The only outstanding issue relates to flood risk (criterion c).

### **Flood Risk**

The site lies within Flood Zone 1 on the Environment Agency's flood maps and, is under 1 hectare in size. As such, there is no requirement for submission of a flood risk assessment. Furthermore, the vast majority of the application site is shown as being at no risk of surface water flooding or, flooding from reservoirs. It is only along the site frontage with Widnell Lane that there is any risk from surface water flooding and, this is an area where, firstly, planning permission has already been granted for use as a traveller site and, secondly, no caravans are proposed to be sited. Furthermore, the Environment Agency's flood maps indicate that the depth of surface water flooding along the site frontage would be less than 300mm and, therefore, would not be an impediment to access during extreme flood events. Thus, there is no risk to occupants of the proposed caravan site from surface water flooding.

### **Drainage Strategy (SuDS)**

The Environment Agency has already granted a permit to discharge water from the existing package sewage treatment plant into a watercourse (ditch) running

along the site frontage. The current permit allows for 10 residential caravans to be served by this outfall and, it is intended that the foul drainage from the additional 2 residential caravans would be catered for by the same means.

Although previous testing has demonstrated that the site does allow the infiltration of rain water to the ground, albeit only just at an acceptable rate, it has been assumed for the purposes of SuDS that Infiltration to ground through focused infiltration features such as soakaways is not feasible. Infiltration to ground via permeable surfacing with an overflow to a linear drain and/or other storage facility (such as a swale created within the adjoining field) is therefore proposed.

The proposed hardstanding and access road would comprise Type 3 aggregate overlain with gravel chippings, or other form of permeable paving, to a depth of 0.45m across the whole of the site. This hardstanding would be permeable and, in effect, act as a soakaway: storing water during periods of heavy rainfall, and allowing it to infiltrate naturally into the ground below. With a porosity of 30%, a hardstanding 5500 m<sup>2</sup> would provide attenuation of **742.5m<sup>3</sup>** during extreme rainfall events. A 1-in-100-year storm would be expected to result in 66mm of rain over a 6-hour period. For an impermeable surface, 42.2% of this would be expected to run-off onto adjacent land and, for an impermeable surface covering 5500m<sup>2</sup>, would generate a volume of about **155m<sup>3</sup>** of run-off.

The attenuation provided by the hardstanding areas would be more than enough to prevent surface water flooding within the application site, and avoid causing additional flooding off-site, during extreme flood events.

In addition, an overflow storage facility could be provided by means of a linear drain constructed along the southern boundary of the application site, within the adjoining field (within the area edged blue on the location plan).

A 180-metre long trench, that is one metre wide and one metre deep, with a gravel porosity of 30%, would provide an available storage volume of 54m<sup>3</sup>. The roofs of the mobile homes and touring caravans amount to about 965 square metres of impermeable surface. A 1-in-100-year storm would be expected to result in 66mm of rain over a 6-hour period. For an impermeable surface, 42.2% of this would be expected to run-off onto adjacent land and, for an impermeable surface covering 965m<sup>2</sup>, generate a volume of about 26.88m<sup>3</sup> of

run-off. The proposed filter drain would have more than double the capacity needed to cope with surface water run-off from the roof of the caravans, even during an extreme rainfall event.

An "ACO" channel drainage system, comprising a concrete channel covered by a slotted grating, could be installed across the new access to Widnell Lane. An ACO drain is capable of supporting 25 tonne gross weight, i.e. more than adequate to withstand normal residential traffic. The interceptor drain could feed into the linear drain running along the southern boundary of the proposed caravan site, in order to prevent storm water from flowing out of the site onto the public highway.

It has been accepted on appeal in 2019, and on an adjoining site in May 2022, that drainage is a matter which can be addressed through the imposition of conditions. Despite the Council's arguments to the contrary, this was also accepted by an Inspector in an appeal at The Paddocks, Main Road, Great Bourton (October 2023). In that appeal, it was accepted that direct infiltration into the ground was not feasible but, that: *"Considering the size of the appellant's adjoining paddock, which would provide sufficient space to accommodate any required swale or underground storage system, I am satisfied that there would be a technical solution to dealing with any increase in surface water resultant of development on the site. This matter could be secured by a planning condition.*

## **Conclusion**

In my opinion, the proposed development complies fully with the Council's locally specific criteria set out in Local Plan Policy BSC6 and, the other material considerations in this case support the applicant's case. The presumption in favour of sustainable development should, therefore, prevail and, planning permission should be granted.

I look forward to receiving confirmation that this application has been validated.

Yours faithfully,

  
PHILIP BROWN BA (Hons) Urban and Regional Planning