

the hearing that she no longer wishes to split her family up and would, if the appeal failed, return to the roadside with the appellant. However, the alternative option would remain and the personal needs of the appellant's partner and children are reduced due to the existence of this alternative home.

20. The Council owned sites are leased to and managed by members of the Gypsy community and run as private sites. Although I heard there were two vacant pitches on one of these sites, the Council holds little information on levels of occupancy, plot turnover, waiting lists or the criteria for acceptance. It was not clear to me whether or not these pitches would be made available to the appellant and his family or indeed whether one pitch could accommodate three caravans under the terms of the license.

Other Matters raised

21. Upon leaving the site in a vehicle, I did not find visibility so poor as to justify planning permission being withheld. I am mindful that no objections were received from the relevant highway authority to support interested parties concerns. No technical evidence is before me to suggest that there is a reasonable likelihood that the development has or would have any adverse impact on the habitats of badgers, bats or Great Crested Newts and that an ecological survey is required. As such it would be unreasonable to withhold planning permission for this reason.
22. Concerns were expressed at the hearing that planning rules should be applied fairly to all and members of the settled community would not be likely to secure planning permission for residential development in the open countryside. However, the Council has failed to address the unmet need for additional sites for gypsies and travellers for sometime with very little progress being made since the Circular was issued and the subsequent GTAA published. In contrast, the Local Plan has included allocated sites to ensure land for housing is available to accommodate the needs of the settled population. In addition LP Policies are permissive of other housing development outside development limits such as affordable housing. In this case, I find that a substantial unmet need still exists which is a consideration in favour of the development, despite its location outside a settlement.
23. Overall, the material change of use of the site would not result in an unacceptable negative impact on the surrounding countryside or a significant negative impact on the natural environment. There is an unmet need for additional pitches to accommodate gypsies and travellers. Having regard to the early stage that the DPD has reached, I do not consider the proposal could be said to be premature or would prejudice the outcome of this document. I find no conflict with relevant policies, in particular CS Policy CS13.

Proposed stable block and amenity building

24. Appeal B not only includes the material change of use of land for equestrian and residential purposes but the erection of a stable block, tack room and amenity block. The stable block would be some 4.2 m x 19 m. In close proximity to it, and connected by a covered walkway, would be an amenity block some 4.2 m x 4.8 m. The buildings would be some 3 m in height to the ridge, the external materials being stained horizontal timber boarding and concrete interlocking tiles to the roof. The overall length of the combined buildings would be considerable. It would be sited relatively close to the

western post and rail fence boundary that distinguishes the area currently being used for residential purposes and the fields to the west. It is unrelated to any established hedges or perimeter boundaries of the site. It would be prominently sited in relation to those sections of roads where public views are easily afforded of the site. I appreciate that the siting of the stables in this position would obstruct views of the caravans and residential paraphernalia to the east of it. However, I consider a building of the overall scale proposed, particularly in terms of the resultant combined length of the structure, in the location proposed would in itself have an unacceptable impact on the surrounding countryside.

25. I have had regard to a similar development that I was referred to which benefits from planning permission. I note that in determining an appeal at Southfields, Snipe Lane for a stable block with feed store and tack room³, the Inspector noted that the proposed building would be located in the corner of a field, close to the existing hedge boundary and would be well screened. I have not found the same to be true of the current proposal.
26. To conclude, I find the proposed siting and size of the combination of the utility building, stable block and tackroom would have a detrimental impact on the surrounding countryside. I find conflict with saved Policy R15 'Horse Related Development' of the LP.

Conditions

27. For the avoidance of doubt and in the interests of proper planning a condition specifying the approved drawings is necessary so far as they relate to the material change of use of land only. My decision is not dependant on the personal circumstances of the appellant. As such it is simply necessary to restrict the occupation of the site to persons meeting the definition of gypsies and travellers. To ensure the impact on the character and appearance of the area is minimised, conditions requiring the number of pitches and caravans to be restricted to one and three respectively should be imposed; together with details of landscaping, boundary treatments and external lighting. In the interests of the visual amenity of the surrounding area, no commercial activities or the parking and storage of vehicles over 3.5 tonnes on the site should be permitted. Drainage details should be agreed to ensure the satisfactory drainage of the site.

Conclusions

28. For the reasons given above I conclude that Appeal A should succeed on ground (a) and planning permission will be granted for the development alleged in the notice. The appeals on grounds (f) and (g) do not therefore need to be considered. Appeal B should be allowed in part and dismissed in part.

Claire Sherratt
INSPECTOR

³ Document 4

Schedule of Conditions

**Appeal A: Reference APP/N1350/C/11/2151199
&
Appeal B: Reference APP/N1350/A/11/2151190**

- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.
- 2) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 3) No commercial activities shall take place on the land, including the storage of materials.
- 4) No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.
- 5) There shall be no more than 1 pitch on the site, occupied by one family.
- 6) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one the requirements set out in (i) to (iv) below:
 - i) within 3 months of the date of this decision a scheme for: the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; the internal layout of the site, including the siting of caravans, hardstanding, access roads, parking and amenity areas; and tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, 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 validly made 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 site development 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.

In addition to conditions 1 – 6 above, the following condition is attached to Appeal B: Reference APP/N1350/A/11/2151190:

Appeal B: Reference APP/N1350/A/11/2151190

- 7) The development hereby permitted shall be carried out in accordance with the following submitted plans: Site Location Plan; Existing site plan 1:100; Proposed Site Layout Plan 1:100 – 01; insofar as it relates to the change of use of land to a mixed use equestrian and private residential gypsy site for a single family. This permission conveys no consent for the erection of stable block, tackroom and amenity block.

APPEARANCES

FOR THE APPELLANT:

Mr Andrew Moss	Wardhadaway Law Firm.
Mr Kevin Sanderson	Wardhadaway Law Firm.
Mr William Barton Cairney	The Appellant.
Mrs Lavina Cairney	The Appellant's wife.

FOR THE LOCAL PLANNING AUTHORITY:

Mr Roy Merrett	Development Manager for Darlington Borough Council.
Mr Adrian Hobbs	Planner for Darlington Borough Council.
Ms Emma Williams	Policy Planner for Darlington Borough Council.

INTERESTED PERSONS:

Mrs J Bland MRTPI	Of Dickinson Dees LLP representing Brafferton Village Hall Association.
Claire Hindmash	(as above)
Councillor Brian Jones	Ward Councillor for the Sadberge and Whessoe ward.

DOCUMENTS

- 1 Copy of appeal notification letter and list of persons notified.
- 2 Additional information submitted by the Council regarding bus service through Brafferton.
- 3 Appeal Decision reference APP/N1350/A/07/2046000.
- 4 Photographs of permitted building.
- 5 Copy of Planning permission reference 11/00333/FUL for private gypsy site at Snipe Lane, Darlington.
- 6 Policy CS14.
- 7 Location plan showing proximity of nearby services and facilities.
- 8 List of suggested conditions.

PLANS

Appeal B - Site Location Plan;
Existing site plan 1:100;
Proposed Site Layout Plan 1:100 - 01