

resulted in a mobile home, two touring caravans, parked vehicles and residential paraphernalia. The proposed utility block would replace a portaloo and a third touring caravan.

18. The encroachment of a residential caravan site onto farmland outside the traditional settlement pattern and in a piecemeal fashion has detracted from the rural agricultural landscape character.
19. Turning to the impact on visual amenity, the main public viewpoints of the site are from Aycliffe Lane and from Lime Lane at the bridge over the A1 motorway. The elevated position of the site and the presence of hedgerows are important factors affecting the visibility of the development.
20. On Aycliffe Lane, looking north from near the edge of the village, I found views of the site were not significant from near the bus stop. A little further up the road the mobile home and to a lesser extent the caravans were visible through the hedgerow on the southern boundary of the site. In the summer months when vegetation is in full leaf the hedgerow would be a more effective screen, especially due to its height. Proceeding up the hill to the site entrance, the close boarded fencing appeared out of place in this rural location, where hedgerows typically provide enclosure and boundary definition. The elongated nature of the site and the position of the caravans away from the frontage reduced the visual impact at that point. From further north on Aycliffe Lane, looking south back towards the village, the site was quite prominent from near the entrance to the Cairney site due to its elevated position. Elsewhere along this stretch of the lane the strong boundary hedgerows are the main landscape feature. Overall the development has a moderate adverse impact or a neutral effect on the appearance of Aycliffe Lane and the setting to the village.
21. Lime Lane has a less rural character than Aycliffe Lane because it crosses over the A1 motorway, affords access to a quarry and carries the associated traffic and the industrial development to the west is visually dominant. From the bridge there was a clear view across to the site as part of much wider panorama of the countryside. The mobile home was particularly prominent, despite the effect of distance, the expansive view of the rural landscape across to the Cleveland Hills in the distance and the more urbanised context. There was a substantial adverse visual impact.
22. The development may also be seen from the A1 motorway. However, views would be from fast moving vehicles, be fleeting if at all and of little consequence.
23. New planting has been proposed by the appellants as a means of mitigating any adverse impact and some new planting has already taken place along the boundaries. Over time this would reinforce a characteristic element of the landscape, subject to the choice of appropriate species of plants and the removal of the close boarded fencing. However, the elevated nature of the site would limit the beneficial effect on local views, especially from Lime Lane.
24. Looking at the effect of the development as a whole, I consider that the encroachment into the countryside does not on its own amount to an unacceptable negative impact on landscape character, particularly given the retention of several positive landscape features and the small scale of the caravan site. There is no 'in principle' objection to traveller sites being located in the countryside, either in development plan or national policy. The greatest

harm comes from the visual impact and particularly the intrusion into the wide views south east towards the distant hills from Lime Lane bridge.

25. The aim should not be to hide from view or to completely screen a gypsy caravan site but rather promote social integration and inclusion with the community by seeking to blend a site into its surroundings and maintain visual amenity. It is also relevant that the visual harm is apparent from a limited number of short and medium distance viewpoints and the area does not benefit from a special landscape designation. However, the position of the site on higher ground is a key consideration. This factor distinguishes the impact from that attributable to the Cairney site, which is at a lower level to Aycliffe Lane at the foot of a well vegetated embankment. Significantly in that case the appeal was dismissed in respect of the proposed stable block and amenity building, which would be prominently sited in relation to those sections of the roads where public views were easily afforded of the site.
26. My conclusion is that the location and design of the development would have an unacceptable negative impact on landscape character. The harm to the visual amenity of the countryside also results in conflict with Policy CS17.

Other criteria of Policy CS13

27. The site is not in an area at risk from flooding and the access raises no highway objections. The separation distance from the housing in the village would ensure no adverse effect on residential amenity. There would be no effect on the archaeological or historic environment and no evidence of harm to the natural environment through risk to local ecology or controlled waters.
28. There are few facilities in Brafferton village but the site is reasonably well located for residents to access the range of shops, services and opportunities in the main centre of Darlington. Accessibility by public transport would be reduced from January 2012, when financial support to the bus service through the village is due to be cut. Even so, the use of the regular bus service from the Forresters Arms on the A167 would be a feasible option. The site is located to meet the policy aim of enhancing the health and education standards of traveller families.

Conclusion on Policy CS13

29. The appeal site is not appropriately located when tested against the key policy in the development plan, CS13, because of the significant harm that would be caused by the development to the character and appearance of the surrounding area.

Material considerations

30. Compatibility with the local environment is identified as a relevant factor by national policy and guidance on providing gypsy and traveller sites². Furthermore, choice of the right location is regarded as a key element in supporting good community relations. It is possible to find sites in the borough

² Designing Gypsy and Traveller Sites: Good Practice Guide, Department for Communities and Local Government May 2008

that meet these criteria, as demonstrated by the permissions on Snipe Lane and Burma Road³.

31. Referring to the Snipe Lane appeal decision, the landscape in the vicinity of the site was described as generally level and in agricultural use. However, the Inspector concluded that the site was not prominent, the majority of the occupied area would be well screened from all views, apart from by the access gate and the change of use would occur on land where a substantial stable block had been allowed. Accordingly, that proposal would not harm the character and appearance of the countryside. The Burma Road site, also in the countryside, was described as being part of a former brickworks, in an area of poor landscape quality. The Inspector concluded that the caravans and utility block were not prominent in the wider landscape and the proposal would comply with Policy CS13. Therefore an important factor that distinguishes the current appeal site at Aycliffe Lane is the prominence in the wider landscape. Given the different site characteristics and circumstances the earlier appeal decisions are not precedents that I should follow.
32. There has been local objection to the development, in part because the development is one of three gypsy caravan sites near the village. Whilst cumulative impact could become a relevant consideration each site has to be assessed on its own merits. A single pitch with three caravans for an extended family as proposed would not dominate the nearest settled community, even if account is taken of the authorised Cairney site.
33. In support of the development, there has been slow progress on responding to the need for additional pitches. The Council has failed to allocate and bring forward land for gypsy and traveller sites, a factor which has considerable weight. An increase in the number of approved private sites may also release pitches on local authority sites for those most in need and Circular 01/2006 promotes self provision.
34. The appellants have a need for a settled base. The family has strong local connections with the area going back many years. Mr Rogers keeps his horses on land near to the appeal site. These are good reasons why their need for a site should be met within the borough rather than elsewhere in the sub-region. Mr and Mrs Rogers and Mrs Knight had pitches at Honeypot Lane but decided to leave because of site problems. This has freed up space for other families in need. At the hearing the Council outlined a proposal to convert transit pitches to permanent pitches at Honeypot Lane and suggested that the family would be given favourable consideration in pitch allocation. However, the proposal is not sufficiently advanced and funding has not been confirmed for this to be a reliable option. At the present time there is no alternative site for the family to move to that is suitable, available, affordable and acceptable. If they are unable to stay on the appeal site there is a strong probability that they would be made homeless, an outcome that Circular 01/2006 aims to avoid. This factor has significant weight, more especially in the short term.
35. The loss of their home would be a serious interference with their human rights under Article 8 of the European Convention on Human Rights, the right to respect for their private and family life and their home. Under Article 8 there is

³ Land at Southfields, Snipe Lane, Darlington Appeal ref. APP/N1350/A/10/2121393 dated 22 July 2010. (I noticed the site from the east coast railway after the hearing). Land at Little Beck Burma Road, Darlington Appeal ref. APP/N1350/A/11/2153205 dated 17 August 2011.

also a positive obligation to facilitate the gypsy way of life. However, the family's position is less strong than it might have been because they occupied the site unlawfully and continued to carry out development after the expiry of the compliance period on the first enforcement notice and after the second enforcement notice was issued.

Conclusions

36. The emphasis of development plan and national policy is for gypsy and traveller sites to be in appropriate locations. The appeal site fulfils most of the locational criteria but critically, because of the position of the site on higher ground, it has an unacceptable impact on visual amenity and landscape character. This reason alone justifies refusal of planning permission, even when balanced against other material considerations.
37. There are the conditions to support a temporary permission for 3 years – a clear and immediate need to which substantial weight should be given, the expectation that sites will be identified through the development plan within that timescale, the lack of an alternative site for the family, the limited period during which harm would be experienced. A further important consideration is whether interference with the appellants' human rights and the potential loss of their home would be a proportionate response, taking account of the rights of others and the public interest. However, the visual harm is a very obvious expression of the unacceptable location for a residential caravan site. My conclusion is that the balance is against a temporary permission in relation to both Appeal A and Appeal C and that a more appropriate response is to extend the period for compliance with the enforcement notice.

Appeals on ground (g)

38. The compliance period is three months. The Council understood that the family would be able to return to their pitches on the Honey Pot Lane site, but the appellant's evidence shows this not to be the case.
39. The maximum amount of time should be allowed for the family to investigate what other possible options may be open to them to secure alternative accommodation. In the circumstances, a reasonable period for compliance would be 12 months and the enforcement notice will be varied accordingly. The appeals under ground (g) succeed to that extent. The protection of the public interest cannot be achieved by means which are less interfering of the human rights of the appellants and their family. The extended compliance period is proportionate and necessary and will not result in a violation of their rights under Article 8.

Conclusion

40. For the reasons given above I shall uphold the enforcement notice with corrections and a variation and refuse to grant planning permission on the deemed application. Appeal C should be dismissed.

Diane Lewis

INSPECTOR

