

Statement on behalf of the Claimant

Witness: Stephen Kelly

1st Statement

Dated: 24 May 2026

Exhibits: SK/1 - SK/3

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

B E T W E E N:

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Claimant

and

PERSONS UNKNOWN

being persons who have an interest in the Land and/or intend to carry out further works to the Land and/or intend to station caravans and/or mobile homes on the Land for the purpose of residential occupation and/or intend to occupy the Land for residential purposes or other purposes in breach of planning control

Defendants

WITNESS STATEMENT OF STEPHEN KELLY

I, Stephen Kelly, Joint Director of Planning for Greater Cambridge Shared Planning Service on behalf of South Cambridgeshire District Council, South Cambridgeshire Hall, Cambourne Business Park Cambourne, Cambridge CB23 6EA

WILL SAY as follows:-

I make this statement in support of the Claimant's Claim for an injunction pursuant to section 187B of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). I am duly authorised by the Claimant to make this witness statement and I make it from my own information, knowledge and belief and where matters are based on information supplied by others I identify the source so far as I am able.

South Cambridgeshire District Council is the local planning authority (the Council/the LPA) within the meaning of the Town and Country Planning Act 1990 (as amended) for an area including the Land (which is defined below). I make this witness statement in support of the Claimant's application for an interim Injunction, and in support of the Claimant's claim generally.

1. This statement relates to land which the Council presently refers to as "West of Moor Drove", being land to the west of the existing and authorised Gypsy and Traveller sites at Moor Drove, Histon/Cottenham, Cambridgeshire ("the Land"). The Land is shown for identification purposes edged red on the plan at Exhibit **SK/1**.
2. The application is made against Persons Unknown. The Council has not been able to obtain up to date HM Land Registry title information for the Land before issuing this application because the HM Land Registry online service has been unavailable today. A screenshot showing the HM Land Registry website problem is at Exhibit **SK/2**. The Council considers that it is not safe or proportionate to defer this application until the Land Registry service is restored because significant operational development has already taken place at speed over a bank holiday weekend and the Council apprehends further imminent development and/or occupation. The Council will continue to seek Land Registry information and will take steps to identify and, if appropriate, notify or add any registered proprietor, purchaser, occupier or person with an interest in the Land as soon as that information becomes available.
3. Alongside my statement, a further witness statement has been prepared by Dr Martin Cahn, a local Councillor. Dr Cahn has visited the Land and taken photographs of the recent development.

SITE/SURROUNDING AREA

4. The site comprises isolated agricultural land situated in the open countryside to the west of the Gypsy and Traveller community residing at Moor Drove. The site lies outside of local development boundaries provided for within the adopted South Cambridgeshire Local Plan and falls fully within the Cambridge Green Belt. Moor Drove itself which provides access to the land is a narrow unadopted private track road which leads to a number of lawful gypsy and traveller pitches. Part of the site are identified

as an area with a high yearly chance of surface water flooding on the latest Environment Agency surface water map.

RELEVANT PLANNING HISTORY

5. The Land has no planning history as far as I have been able to ascertain but the wider Moor Drove area has a long planning history relating to the unauthorised occupation of land for residential caravan sites, the stationing of caravans and mobile homes, the laying of hardstanding, the erection of utility buildings and amenity buildings, the installation of foul drainage and the enclosure of land. The appeal decisions are important background because they show both the sensitivity of the Green Belt location and the pattern by which development has historically occurred first, with retrospective applications and appeals following afterwards.

6. For convenience I summarise the principal planning and appeal history below. This table is intended as a summary and should be read with the appeal decisions in Exhibit **SK/3**.

Application / notice reference	Appeal reference / decision date	Development	Retrospective / existing development?	Outcome
S/1895/07/F	APP/W0530/08/2067087	Original authorised Gypsy and Traveller site, comprising six pitches.	Yes	Permission granted on appeal
S/2896/16/FL; registered 9 January 2017	APP/W0530/W/17/3183666; decision 9 April 2018. Related enforcement appeals APP/W0530/C/17	Material change of use of land to station caravans for residential use, erection	Yes. The Inspector recorded that the extended family occupying the appeal site had	Planning appeal allowed. Planning permission granted.

	/3167840, APP/W0530/C/17 /3167842 and APP/W0530/C/17 /3167845	of utility sheds and laying of hardstanding on land on the north side of Moor Drove.	moved on in May 2016.	
21/01618/FUL; dated 9 April 2021; refused 14 October 2022	APP/W0530/W/2 3/3317545; decision 21 July 2023	Change of use of land to create 4 Gypsy/Traveller pitches comprising 4 mobile homes, 4 touring caravans and installation of 4 cesspits.	Yes. The appeal decision records that the site had already been laid with hardstanding and timber fencing, with caravans and structures already in position.	Appeal allowed. Temporary personal planning permission granted for 5 years, subject to conditions including a site development scheme, drainage, etc.
20/04263/FUL, 20/04858/FUL, 20/04264/FUL, 20/04297/FUL, 20/04298/FUL and 20/04299/FUL; applications dated October/November 2020; refused 10 January 2023	APP/W0530/W/2 3/3318839, APP/W0530/W/2 3/3318840, APP/W0530/W/2 3/3318842, APP/W0530/W/2 3/3318843, APP/W0530/W/2 3/3318844 and APP/W0530/W/2 3/3318845; decision 31 January 2024	Six appeals for single plots east of Plots A1-F6 at Moor Drove, generally for one static caravan, a day room and parking, except Plot C3 for two static caravans, day	Yes/partly. The Inspector recorded that the appellants and families had been living at the appeal sites for some time and that pitches had already been provided, although the development	Appeals allowed. Permanent personal permissions granted subject to conditions, including site development schemes,

		room and parking.	was far from complete and not in accordance with submitted plans.	drainage details, etc.
21/01173/FUL and 21/01172/FUL; both dated 17 February 2021; refused 17 November 2022	APP/W0530/W/2 3/3322128 and APP/W0530/W/2 3/3322185; decision 8 February 2024	Use as residential caravan sites for 6 Gypsy families east of Plot 2 and 3 Gypsy families east of Plot 5, with two caravans per family, amenity buildings and hardstanding.	Yes/partly. The Inspector recorded that the appellants and families had been living at the appeal sites for some time and that the pitches had already been provided, although layouts differed from the submitted plans.	Appeals allowed. Permanent personal permissions granted subject to conditions, including site development schemes, drainage details, etc.

7. The 2018 appeal decision is material background because the Inspector expressly described the development as a material change of use to station caravans for residential use, together with utility sheds and hardstanding. The enforcement notices in that case addressed the very type of development with which the Council is now concerned: wooden fences, hardcore/hardstanding, stationing of caravans for residential occupation,
8. The 2023 and 2024 appeal decisions are also material because they record that, in several cases, the appellants and/or their families were already living on the appeal sites and that pitches, hardstanding, fencing, caravans and structures had already been provided before planning permission was granted on appeal.

9. That history is relevant to this application because the Land now being developed lies to the west of the existing Moor Drove sites. Although the Land is not directly contiguous with the existing authorised/appeal sites, because there is a field between them, the Council is concerned that it is an effective extension or leapfrog expansion of the established Moor Drove development pattern. The extent and speed of the works undertaken over a bank holiday weekend, when Council offices were closed, strongly suggests that the development is not an ordinary agricultural operation but preparation for further caravan-related occupation.

THE LAND AND RECENT UNAUTHORISED WORKS

10. The lawful use of the Land is agriculture/open countryside. The Land is in the Green Belt, outside of any development framework and outside the red line of the any authorised Moor Drove pitches.
11. On 23 and 24 May 2025 significant engineering operations have been taking place comprising the importation by Heavy Good Vehicles of a substantial quantity of material to form an extensive hardstanding. Plant operating on site is being used to create an extensive hardstanding area using this imported material. Reports of these works commencing were received by elected Councillors on Saturday 23rd May 2026. The scale and commercial plant and transport provided suggests that the works were pre-planned for a time when it was anticipated that the Council offices would be closed. The unauthorised operational development and engineering operations undertaken comprise the clearance of land, importation of significant quantities of hardcore and related materials alongside operations to establish a substantial hardstanding across a large part of the land suitable for the stationing of caravans and other apparatus without any application for planning permission. It is apparent from the photographs taken by Dr Martin Cahn that means of enclosure are being constructed to the site perimeter and within the site to subdivide sections of the land which is consistent with sub-division for pitches.
12. No planning permission has been granted for the laying of hardstanding, the erection of fencing, the formation of residential pitches, the stationing of caravans or mobile homes, the use of the Land as a residential caravan site, or any other use of the

Land as part of or in connection with the Moor Drove caravan sites. As at the date of this statement, I am not aware of the submission of any planning application in respect of the Land.

13. The laying of substantial hardstanding is operational development and/or engineering operations within section 55 of the 1990 Act for which planning permission is required. The erection of fencing and means of enclosure may also constitute operational development. If caravans or mobile homes are brought onto the Land for residential occupation, or if the Land is used as a residential caravan site, that would constitute a material change of use of the Land also requiring planning permission.
14. The Council's concern is not speculative. The wider Moor Drove history shows a recurring sequence: land is occupied and/or physically developed first, and retrospective applications and appeals follow later. The present works mirror that sequence. The Council therefore apprehends that, unless restrained, further works will occur and caravans/mobile homes will be brought onto the Land for residential occupation.
15. The Claimant seeks a prohibitory Injunction to prohibit any further importation of materials, and to prevent the use of the land for stationing of residential caravans and touring caravans on the Land, and any further associated development which would facilitate the making of a material change of use the land from agricultural use.

PLANNING CONSIDERATIONS LIKELY TO APPLY TO THE LAND

16. At this stage, the Council does not seek to pre-determine any planning application that may be made. Any application would be assessed on its own merits and in the light of all personal circumstances and evidence presented. However, it is necessary for the Court to understand that there are serious planning issues which would arise and which should be assessed through the planning process before the Land is further developed or occupied.
17. The Land is in the Green Belt which is highly protected by national and local planning policies. The previous Moor Drove Inspectors consistently treated residential caravan site development in this Green Belt location as inappropriate development requiring 'very special circumstances' (the test in national planning policy) to be demonstrated. The previous decisions also recognised harm to openness and encroachment into

the countryside from caravans, amenity buildings, hardstanding, fencing, vehicles and domestic paraphernalia. The fact that previous appeals were allowed does not remove the Green Belt harm, nor does it authorise further development on separate land.

18. The earlier decisions distinguish between development that is physically and visually contained by, or infills within, the established Moor Drove site pattern and development which is set apart from authorised pitches with no direct relationship to them. The Land now in issue is to the west of the existing sites and is separated from them by a field. On present information, it is therefore more akin to a leapfrog or detached extension into countryside than contained infill within an established site envelope. That is a materially important distinction.
19. The laying of extensive hardstanding and erection of fencing would result in immediate spatial harm to Green Belt openness. If mobile homes, touring caravans, utility buildings, septic tanks, domestic paraphernalia, lighting, vehicles and storage are added, the harm would increase. The development would also encroach into the countryside, one of the Green Belt purposes specifically identified in earlier Moor Drove decisions.
20. The Land forms part of a wider rural landscape. The previous Inspectors accepted that some of the existing Moor Drove development is screened and that some appeal sites could be integrated with planting, but they also recorded harm to character and appearance, particularly from the loss of open field, hardstanding, fencing and domestic development. The Council is concerned that this new western site would extend the developed footprint beyond the established Moor Drove site pattern and would further erode the open rural character of the Green Belt.
21. Any planning application would need to address the policy requirements for Gypsy and Traveller sites, including need, lack of alternative sites, accessibility, relationship with the settled community, impact on services and facilities, pitch numbers, landscape character, highways, drainage, flood risk, ecology and any relevant personal circumstances. None of that information has yet been submitted.

22. It is also not possible for the Council to determine at this stage whether the works would give rise to contamination of surface water or groundwater sources (through the importation of materials across the site) noting the site is identified on the Environment Agency maps as having a “high” chance of yearly flooding by surface water. It is also unclear whether the carrying out of operational development of the site would have an adverse impact upon the environment, highway conditions or would be capable of delivering the Government’s Commitment to biodiversity net gain, noting the previous substantial tree cover on the land, or otherwise amount to an appropriate form of development having regard to the Local Plan and National Planning Policy objectives.
23. The Council recognises that previous Inspectors have given significant weight to unmet need, lack of alternative sites, extended family support, medical circumstances and the best interests of children. However, those matters were assessed on the evidence in those cases. In the absence of a planning application or personal evidence for the current Land, the Council cannot assume that any very special circumstances exist which would clearly outweigh Green Belt and other harm. The injunction sought is intended to preserve the status quo so that the planning merits, personal circumstances and public interest can be tested lawfully rather than after further unauthorised development has taken place.

REPORT OF UNAUTHORISED DEVELOPMENT

24. Over the weekend dated 23/24 May 2026 Elected Councillors and the Local MP received reports from local residents of works taking place and a number of large HGV tipper trucks travelling to and from the site through surrounding villages transporting material to the site.
25. The Council has previous experience of bank holidays being used for unauthorised development as Council offices are closed.

REASONS FOR CONSIDERING A BREACH OF PLANNING CONTROL HAS OCCURRED

26. The scale of the works already carried out amounts to operational development. The works are being carried out with the benefit of heavy plant comprising large HGV

tipper trucks and at least 3 large excavators (see the witness statement by Dr Martin Cahn). The works also include the installation of new post and rail timber fencing within and on the perimeter of the site that appears to be dividing up the land following its levelling and the creation of the hardstanding. Whilst the post and rail fences are under 2m in height, and may amount to permitted development under the Town and Country Planning (General Permitted Development) Order 1995, these works have the effect of suggesting that the objective is to create separate hardstanding areas or plots. The arrangements are consistent with the formation and change of use of the land to establish residential caravan pitches.

THE NEED FOR AN INJUNCTION

27. The Planning Practice Guidance PPG states that 'in deciding whether it is necessary or expedient to seek an injunction, local planning authorities may find it helpful to consider whether:

they have taken account of what appear to be relevant considerations, including the personal circumstances of those concerned;

there is clear evidence that a breach of planning control has already occurred, or is likely to occur;

injunctive relief is a proportionate remedy in circumstances of the particular case; a local planning authority can apply for an injunction whether or not it has exercised, or proposes to exercise, any of their other powers to enforce planning control.

28. However, proceedings for an injunction are the most serious enforcement action that a local planning authority can take because if a person fails to comply with an injunction they can take be committed to prison for contempt of court. Additionally, once an injunction has been granted, it cannot be discharged except where there has been a significant change of circumstances a local planning authority should generally only apply for an injunction as a last resort and only if there have been persistent breaches of planning control over long period and/or other enforcement options have been, or would be ineffective.

29. The Claimant considers it necessary, or alternatively expedient for this application to be made, having regard to the matters set out above as it has reasonable grounds to believe, noting the specific circumstances in this case, that further breaches may occur to establish an unlawful residential use in the open Countryside and Cambridge Green belt, that gives rise to significant harm to openness and would lead

to the creeping urbanisation of the open Countryside contrary to Green Belt policy. The works already undertaken are extensive, deliberate and rapid. Their timing over a bank holiday weekend reinforces the Council's concern that the works were intended to progress before normal enforcement action could be taken.

30. The Council has carefully considered whether other enforcement powers would be sufficient. A planning contravention notice or temporary stop notice may assist in some circumstances, but they would not provide the same protection against further anticipated works, the bringing onto the Land of caravans/mobile homes, or the immediate commencement of residential occupation. An enforcement notice would not have immediate effect and would be subject to appeal, which could take a substantial period of time. A stop notice would also not prevent all anticipated conduct and would involve criminal proceedings as the sanction.

31. The concern in this case is the need to apprehend further anticipated breaches before they become embedded. Once caravans or mobile homes are brought onto the Land and occupied, the Council's experience from this wider location and from similar cases is that it becomes considerably more difficult to secure effective and timely remedy, particularly where families and children may then be living on the Land.

32. The injunction sought is therefore a status quo injunction. It is intended to prevent further unauthorised development, including further hardstanding, fences, services, septic tanks, drainage works, amenity buildings, caravans/mobile homes, touring caravans and any occupation of the Land for residential purposes without planning permission. The Council is not, by this application, seeking to determine the merits of any future planning application or to prevent any person from making such an application.

33. The works carried out on the land, and use of the Land for residential purposes and related development operational in disregard of planning control is highly likely. The use of the Land for residential occupation is inappropriate development without justification and already results in significant visual harm to the open countryside. The actual and anticipated development would change the site's character by introducing urbanising elements which would be at odds with its rural character and would be harmful to the landscape's appearance at this point.

34. There is no agricultural justification for any of the works currently carried out on the Land. The harm that has been caused and continues to be caused by the unauthorised development of the Land by the Defendants, both to the Claimant as Local Planning Authority, and to the environs that are sought to be protected by planning enforcement control and planning policies cannot be compensated.
35. The Council has taken into account the Human Rights issues, especially Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to enjoy property), relevant to this development. It is considered that the assessment and considerations in this statement represent an appropriate balance between the rights of the landowner (to enjoy their land subject to reasonable and proportionate controls by a public authority) and the wider public interest.
36. The application for an Injunction could be interpreted as an interference with the rights of a property owner to use his property as he sees fit and the right to private and family life as set out in Article 8. Such interference is permitted by the Convention if it is in the general interest, but the interference must be 'proportionate', which means that it must not be in excess of what is needed to prevent harm to the general interest. The Council considers this application proportionate in all the circumstances. The Council has had numerous complaints from other local residents and is of the view that there is significant planning harm. The injunction sought is to require that works in breach of planning control are not undertaken. Preventing further harm is necessary.

PERSONS UNKNOWN

37. This application is brought against Persons Unknown because the Council is unable, at the time of making the application, to identify all persons with a legal or beneficial interest in the Land, all persons who have carried out or instructed the works, or all persons who may be intending to enter, occupy, reside on, bring caravans or mobile homes onto, or carry out further development on the Land.
38. The Council is aware of the guidance in *Wolverhampton City Council and others v London Gypsies and Travellers and others* [2023] UKSC 47 concerning injunctions against persons unknown. The Council considers that the requirements are met in this case for the following reasons.

- (1)** There is a compelling justification for the remedy because significant unauthorised works have already occurred in the Green Belt at speed, and there is a real risk of further unauthorised development and residential occupation.
- (2)** There are adequate procedural safeguards. The proposed order has clear geographical limits, a return date and liberty to apply. The Council will take reasonable steps to bring the application and any order to the attention of persons likely to be affected.
- (3)** The Council has considered matters which affected persons might raise, including unmet need for Gypsy and Traveller pitches, family and health circumstances, the best interests of children, the right to respect for private and family life, property rights and the planning merits. However, without a planning application detailing circumstances, the Council cannot consider this further. Furthermore, those matters do not remove the need for a temporary status quo order pending proper planning control.
- (4)** The proposed order is limited to preventing development or use in breach of planning control. It does not prohibit lawful use of the Land or the making of a planning application.

39. If the Court grants the injunction, the Council will publish details of the order on the Council's website, including the application documents, the order and a plan of the Land, subject to any necessary redactions for personal data. The Council will also arrange for the order, application notice and supporting documents to be served by affixing copies in prominent waterproof envelopes or display cases at the entrance to the Land and any other obvious access points.

40. The Council will also place site notices on or near the Land explaining in plain terms the effect of the order and the right of any person affected to apply to the Court to vary or discharge it. The Council considers that service in this way is likely to bring the order to the attention of the Persons Unknown and any contractors, agents or occupiers entering the Land.

41. When HM Land Registry services become available, the Council will obtain title information as a matter of urgency. If the registered proprietor, purchaser, occupier or any other person with an interest can then be identified, the Council will consider

applying to add them as named defendants and/or serving them personally with the order and supporting documents.

THE REMEDY SOUGHT

42. The Claimant seeks an interim injunction in the following form to prevent persons unknown:

In relation to the Land known as "Land west of Moor Drove, Histon, Cambridgeshire (the Land) as shown edged red on the attached plan, the Defendants whether by themselves or by instructing, encouraging or permitting any other person must not use the Land or carry out works to the Land in breach of planning control and, in particular, must not:

- i. Allow the use of the Land for human habitation or residential occupation or any other purpose in breach of planning control;
- ii. Bring onto the Land any touring caravans and/or mobile homes for the purpose of human habitation or residential occupation or any other purpose in breach of planning control;
- iii. bringing, erecting or installing any buildings, structures, amenity buildings, utility buildings, portable toilets, service buildings, containers or domestic paraphernalia on the Land for purposes associated with human habitation or residential occupation;
- iv. bringing onto the Land any further waste materials, hardcore, aggregate, road planings or similar materials for the purpose of creating or extending hardstanding, roadways, bases, pitches, tracks, parking or other surfaces associated with a caravan site or residential occupation;
Carry out any further works in relation to the formation of paths, roadways or any works including the provision of sewerage, water and electricity infrastructure associated with the use of caravans and/or mobile homes for the purpose of human habitation or residential occupation or any other purpose in breach of planning control;
- v. Carry out any further works to the Land associated with or in preparation for its use for stationing caravans/or mobile homes or for the erection of a

building and/or any structure for human habitation or residential occupation or any other purpose in breach of planning control;

- vi. Undertake any further development on the Land as defined in section 55 of the Town and Country Planning Act 1990 without the express grant of planning permission.

APPLICATION WITHOUT NOTICE

43. This application is being made without notice to the named Defendants. This is because if notice is given, the Defendants would not be prevented in the interim from continuing to undertake further operational development such as the completion of the hardsurfacing and/or the bringing on to the land of residential and touring caravans or taking up of residential use. By their very nature, a residential caravan can be brought on to Land and stationed, being put to a residential use within hours regardless of whether hardsurfacing or any other infrastructure is in place. Providing notice would frustrate the purpose for which the order is being sought.

44. A significant amount of pre-planned preparatory work has been carried out on the Land displaying a total disregard for the planning process and the intent to carry on regardless. This has been carried out over a weekend when the Council offices are closed and in the hope that no action will be able to be taken until after the weekend, Whilst the extent and detail with which the unauthorised works to date has been executed shows detailed pre-planning, I am firmly of the view that static and touring caravans will be on their way to the site.

45. Significant financial resource including plant and machinery hire and the haulage of significant quantities of material has been deliberately deployed to assist with accomplishing what the Claimant firmly believes is to occupy the Land, ignoring the planning application process and regardless of the resultant numerous breaches of planning control. The Claimant is of the view that providing the Defendants with notice would provide them with time to bring caravans on to the Land, to erect structures and allow occupation of the Land immediately. The Claimant's experience is that it is then a lengthy process to secure cessation of unlawful residential occupation.

46. An Injunction Order granted now, without notice, only to maintain the status quo, and before the Defendants can complete the operational development and take up the

residential occupation of the site will deal effectively with any further risks to the environs. This is a status quo interim injunction sought to protect the sensitive Land from further development without following a proper planning process.

ALTERNATIVE SERVICE

47. The Claimant therefore also applies for an Order for service of any Injunction Order the Court may grant by way of the alternative method set out in the draft Order.

48. There is an urgent need to serve any Order granted to restrain further breaches of planning control. It is the Claimant's experience that Orders served in the manner proposed are effective in bringing such Orders to the attention of the Defendants and also its servants or agents.

CONCLUSION

49. Ultimately the injunction is being sought to prevent any further works from being undertaken and to apprehend the anticipated breach of planning control by preventing the stationing of further residential caravans on the Land and the carrying out of any further unauthorised facilitating development.

50. Whilst there are other options available to the Council, such as a temporary stop notice, stop notice or an enforcement notice, this would not have immediate effect, would not prevent the occurrence of the anticipated unauthorised development and is likely to result in a lengthy appeal timetable and would not prevent further works at the site.

51. In the circumstances, it is considered that there is sufficient evidence of an intended breach of planning control that cannot now be effectively restrained or apprehended by any means other than an injunction.

52. The Council reiterates that this is a status quo injunction to prevent that which the Defendants are not permitted to do without planning consent in any event.

53. For the reasons stated herein, the Claimant contends that it is necessary and expedient to restrain the Defendants in the manner sought in the draft Order. I believe that the facts stated in this witness statement are true. I understand that

proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

SJ Kelly

Signed.

Dated 24 May 2026

Exhibit SK/1



[Blog](#)

HM Land Registry

Organisations: [HM Land Registry](#)

Service maintenance

Friday 22 May to Sunday 24 May 2026

From 8pm on Friday 22 May to 11.59pm on Sunday 24 May, all of HM Land Registry's customer services will be suspended for essential maintenance.

Sunday service downtime

We will be carrying out maintenance to deliver service enhancements on the following Sundays. Our services will be unavailable between 8am and 2pm on these dates.

- Sunday 31 May 2026
- Sunday 28 June 2026
- Sunday 26 July 2026
- Sunday 23 August 2026
- Sunday 20 September 2026
- Sunday 18 October 2026
- Sunday 15 November 2026
- Sunday 13 December 2026

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Appeal Decision

Inquiry opened on 8 July 2008

Site visits made on 10 and 14 July 2008

by **Clive Hughes BA (Hons) MA DMS MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
3 September 2008

Appeal Ref: APP/W0530/A/08/2067087

Land at Moor Drove, off Cottenham Road, Histon, Cambridge

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr H Price against the decision of South Cambridgeshire District Council.
- The application Ref S/1895/07/F, dated 3 October 2007, was refused by notice dated 29 November 2007.
- The development proposed is retention of gypsy caravan site for 6 families with 12 caravans including hard standings and access improvements.
- The inquiry sat for 4 days on 8 to 11 July 2008.

Decision

1. I allow the appeal, and grant planning permission for retention of gypsy caravan site for 6 families with 12 caravans including hard standings and access improvements at Moor Drove, off Cottenham Road, Histon, Cambridge in accordance with the terms of the application, Ref S/1895/07/F, dated 3 October 2007, and the plans submitted with it and Drawing No R1653/3 submitted at the Inquiry, subject to the conditions set out in the Annex to this decision.

Procedural matters

2. There is an error in the wording of the first sentence of the Council's third reason for refusal. In addition, the Council is not pursuing that part of this reason which refers to visibility for vehicles using Beck Farm. The expert highway witnesses were in discussion before the Inquiry and the evidence they put forward was based on revised wording. The appellant confirmed that he had not been prejudiced by the incorrect wording in the decision. I have made this decision on the basis that the third reason for refusal should have read:

The proposed realignment of Moor Drove and Cottenham Road does not provide adequate stopping distances for drivers from both the north and south nor adequate visibility for drivers from the south nor adequate visibility to the south for drivers exiting the site. As such, the proposal does not overcome the existing objections on grounds of highway safety. The proposal therefore has an adverse effect upon highway safety and as such is contrary to Policy DP/3 of the South Cambridgeshire Local Development Control Policies DPD 2007.

3. The Council accepts that the appellant, and all those occupying the other five plots on the site (the site residents), are gypsies as defined in paragraph 15 of ODPM Circular 01/2006 *Planning for Gypsy and Traveller Caravan Sites*.

4. At the Inquiry three separate highway layout plans were tabled. These were the plan submitted with the planning application and including a "right-turn passing widening" of Cottenham Road and the realignment of the south eastern end of Moor Drove (Drawing No R1653/2) [Option 2]; a plan showing a lesser realignment of the south eastern end of Moor Drove and no widening of Cottenham Road (Drawing No R1653/1) [Option 1]; and a simpler scheme involving a realignment of the Moor Drove /Cottenham Road junction with no widening of Cottenham Road or realignment of Moor Drove (Drawing No R1653/3) [Option 3]. At the Inquiry a fourth scheme was suggested that is essentially a hybrid of Options 1 and 2 involving no widening of Cottenham Road but incorporating the Moor Drove realignment of Option 2. I have referred to this as Option 4. None of the options involve land outside the appeal site. Options 1, 3 and 4 each involve smaller schemes than Option 2, the application plan. I do not consider that any interests would be prejudiced by my consideration of these various options.

Background

5. The development has already taken place; the site residents moved onto the land in about December 2003/January 2004. The site is divided into 6 plots and all are occupied. The Council issued three Enforcement Notices (ENs) between December 2003 and March 2004 concerning the change of use of the land from agriculture to the storage and residential use of caravans; the laying of hardcore roadways and septic tanks on the site; and the carrying out of operational development involving the installation of foul sewers, mains water and mains electricity services. The ENs required that the residential use of the land cease; that the caravans, hardcore, roadways, septic tanks, foul drainage, mains electricity and water services be removed; and that the land be restored to the condition it was in before the breaches of planning control took place.
6. The ENs were appealed and a Public Inquiry was held in 2004/2005 (APP/W0530/C/04/1141342, 1137583 & 1147157). The Inspector recommended to the then First Secretary of State (FSS) that all three appeals be dismissed and he subsequently dismissed them by letter dated 2 August 2005; the period for compliance was three months. The effect of these decisions was to require that the site be vacated by 5 November 2005.
7. In 2006 the Council, under section 70(A) of the Act, declined to determine a planning application for the retention of the site as a gypsy caravan site. A further planning application was made in October 2007 and refused in November 2007; that is the subject of this appeal.
8. On 10 April 2007 the Council applied to the High Court for an injunction to evict the site residents; in a Judgement dated 5 June 2008 the Honourable Mr Justice Plender determined that it would be disproportionate to grant an injunction while there remained a real prospect that the appeal against the refusal of the 2007 planning application might succeed.

Main issues

9. There is no dispute between the parties that the development constitutes inappropriate development in the Green Belt. The main issues are the effect of the development on (i) the character and appearance of the area; (ii) the openness of the Green Belt and the purposes of including land within it; (iii)

highway safety in the vicinity of the appeal site with particular regard to visibility to and from the south and to the provision of adequate stopping distances; (iv) the living conditions of occupiers of Beck Farm with particular regard to noise and disturbance; and (v) whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Character and appearance

10. The site lies in the countryside and I understand that its last authorised agricultural use was for pig farming. Prior to the site residents moving on one of the occupiers used it for open storage. It is now fully occupied and laid out for 6 residential plots with an access along the north eastern boundary. The plots are occupied by caravans with a variety of vehicles, sheds, light columns and other domestic paraphernalia. There is some planting and fencing between plots and some planting within the plots themselves, but mostly they are open.
11. The previous Inspector said that although Moor Drove is not a public right of way there was evidence that it had been regularly used by walkers and horse riders. I am not convinced that is still the case. Moor Drove is a cul-de-sac; there is a locked field gate, topped with barbed wire, across the track immediately beyond the appeal site. It seems to me that it is now a private track that leads to the appeal site and other frontage land. I saw no evidence that any of the adjoining land is regularly accessed from Moor Drove. No evidence was put forward to show that it is regularly used by anyone apart from the residents of the site and, on an occasional basis, by or on behalf of the occupiers of Beck Farm where it abuts the track.
12. The previous Inspector stated that there were distant glimpses of the development from Cottenham Road when the vegetation is not in leaf. However, it is now common ground that it is no longer visible from any public vantage points. My observations, albeit in summer with the trees in full leaf, support the contention that it is not visible.
13. Nonetheless, the fact that a development is not visible from public vantage points does not make it acceptable in the countryside. It could be repeated too often with resultant harm to the character of the countryside. It is also important to note that other aspects of the development would be visible by anybody using Cottenham Road, such as vehicles entering and leaving Moor Drove and any necessary highway improvements to improve the safety of the Moor Drove/Cottenham Road junction. At the very least this would involve realigning the junction to a right angle and providing kerbing around the entrance. Other options include the removal of trees and hedging along the first 60m or so along the southern side of Moor Drove and/or widening Cottenham Road. There would thus be some impact on the character and appearance of the area and I consider that this would be harmful. However, this harm must be seen in the light of the advice in ODPM Circular 01/2006 which says that rural settings for gypsy and traveller sites, where not subject to special planning constraints, are acceptable in principle. The limited conflict with Policies DP/2 (1.a) and DP/3 (2.m) of the *South Cambridgeshire Local*

Development Framework Development Control Policies DPD 2007 and advice in PPG2 and PPS7 concerning the impact on the character and appearance of the countryside must be considered in the context of this advice.

Green Belt considerations

14. The Statement of Common Ground (SoCG) says that the use of the site as a gypsy caravan site results in harm to the Green Belt by reason of inappropriateness, results in a loss of openness and encroaches into the countryside. In addition, the Council considers that the development has an adverse effect on the gap between Histon and Cottenham.
15. Concerning inappropriateness, paragraph 3.2 of PPG2 advises that this is, by definition, harmful to the Green Belt and that substantial weight must be given to this harm. Policy P9/2a of the *Cambridgeshire & Peterborough Structure Plan 2003* and Policy GB/1 of the LDF Development Control Policies DPD reiterate the general presumption against inappropriate development in the Green Belt. Concerning openness, it is evident, and not in dispute, that the development reduces openness. Paragraph 1.4 of PPG2 advises that the most important attribute of Green Belts is their openness.
16. Paragraph 1.5 of PPG2 sets out the five purposes of including land in the Green Belt and these include assisting in safeguarding the countryside from encroachment and preventing neighbouring towns from merging into one another. While there is no disagreement between the parties that the development conflicts with the former, the appellant does not agree that the site lies within the gap between Histon and Cottenham or that even if it did, any noticeable coalescence would occur. While I agree that the development is not noticeable, this does not seem to me to be a relevant criterion. I find that although the site is set away from Cottenham Road, which directly links the settlements, the site clearly lies within the gap between them. I consider that new development on former agricultural land within the gap between the settlements, regardless of whether it fronts the road or is noticeable, must inevitably diminish the gap between the settlements.
17. The development is thus inappropriate development in the Green Belt; reduces the openness of the Green Belt; and conflicts with two of the purposes of including land within the Green Belt. It is contrary to advice in PPG2, to the Structure Plan and to the LDF Development Control Policies DPD. This carries substantial weight against the development.

Highway safety

i) *Visibility*

18. The main difference between the parties concerns the method of calculation of the design speed of this part of Cottenham Road (A1049) and thus whether adequate visibility can be achieved for drivers from the south approaching the junction or for drivers looking south when exiting the site. The previous Inspector concluded that any development generating increased vehicular use of Moor Drove should be firmly resisted and that the consequences of vehicular movements from 6 residential gypsy plots would be unacceptable on highway grounds.

19. The circumstances are now different in that various schemes for improving the Moor Drove/Cottenham Road junction have been put forward as part of the application and with this appeal and further work has been carried out concerning traffic speeds and volumes. Different methods of calculating the design speed of Cottenham Road have been advanced. Paragraph 2.23 of the *Design Manual for Roads and Bridges* (DMRB) Volume 6 Section 2 Part 7 (TD41/95) says that design speeds are required for determining the "Y" distance for existing and proposed roads. This paragraph also advises that the design speed can be based upon measurement, speed limits or design speed principles. The previous Inspector appears to have based his conclusions on the highest specification, speed limits, as the speed limit at the junction is 60-mph (97-kph). This would require sight lines of 215m in each direction, which he considered necessary and which cannot be achieved. At this Inquiry both the expert highway witnesses considered such a requirement to be excessive. This calculation is also made more complicated by the fact that the speed limit to the south reduces to 40-mph (64-kph) some 93m south of the junction.
20. The Council argued that the design speed of Cottenham Road, based upon design speed principles, requires "Y" distances of 160m in each direction. The appellant did not accept this and based his calculations on actual speed measurements. The appellant measured speed at the point where vehicles come into view rather than at the junction, where traffic was travelling faster, as this is the key point for visibility between vehicles. He considered that these showed that "Y" distance of 160m was required to the north and 120m to the south. He produced an appeal decision (Document 8) to demonstrate that different "Y" distances can reasonably be used for a single junction. It is common ground that the maximum achievable "Y" distances are 163m to the north and 149m to the south. There is now, therefore, no dispute that adequate visibility can be achieved to the north.
21. Concerning visibility to the south, it seems to me that when the different methods of calculation throw up different results, the decision maker has to make a choice as to which method of calculation to use. It seems logical to make this choice based upon the individual circumstances of the case. While the previous Inspector was particularly concerned about the risk of slowing and turning vehicles being hit from behind by following vehicles, that likelihood would be reduced by providing any of the suggested improvements to the junction. The parties were agreed that, from a technical point of view, all four options would work. Each would result in a changed alignment of the junction such that Moor Drove would be at right angles to Cottenham Road and would have a wider bell-mouth. This would enable vehicles coming from the south to enter Moor Drove without having to slow down so much thereby reducing the risk of being hit from behind and reducing interference with the free flow of traffic on the road. The widening of the junction would make it more apparent to drivers and the provision of traffic signs giving drivers advance warning of the junction would further improve safety. I saw that there are many other entrances from Cottenham Road, so drivers would be likely to be aware of the possibility of turning traffic. For example, the entrance to Beck Farm is only a few metres to the north of Moor Drove and the use of its drive includes farm gate sales.

22. I consider that in this case the best method of calculating the design speed for north-bound traffic is that based upon the actual speed of the traffic just south of the southern extremity of the "Y" distance, where the junction first comes into view. At this point there is a 40-mph speed limit and the appellant's speed survey analysis, corrected to give an 85th %-ile wet weather journey speed, gives a measurement of 41.6-mph (67-kph). I agree with the appellant that this is the correct location for a speed survey as it represents the limit of visibility; from this point onwards towards the junction any manoeuvring vehicles would be clearly visible. The Council's survey of speeds at the Moor Drove junction is less useful as drivers increase speed when leaving the 40-mph zone. Traffic is likely to be travelling at the authorised speed when the junction comes into sight as the road to the south is winding and traffic tends to be bunched or "platooned" having only fairly recently left the northernmost set of traffic lights in Histon. It was obvious at the site visit that traffic was bunched and this feature of the traffic flows was commented on by the previous Inspector. This bunching, as well as limiting speed, has the advantage for drivers exiting Moor Drove of providing gaps in the flow.
23. Concerning the use of different "Y" distances in different directions the argument put forward by the appellant was similar to that set out in paragraph 30 (DL30) of the appeal decisions at The Paddock (Document 8). I see no need to repeat the reasoning of that Inspector in paragraphs 31-34 of his decision save to say that I agree that applying a purposive test is a reasonable approach and that I agree with his conclusions. As long as the "Y" distances are demonstrably safe there seems no reason as to why they need be the same in both directions.
24. In this case it is common ground that the required "Y" distance to the north is 160m and that this is exceeded. I have concluded that to the south a "Y" distance of 120m is required using the speed measurement method set out in paragraph 2.23 of TD 41/95 of DMRB Volume 6. It is common ground that the actual measurement is 149m so this is exceeded. In these circumstances, and taking into account the proposed improvements in all four of the options for highway improvements, I consider that with regard to visibility the junction is demonstrably safe.
25. Concerning the accident record along this stretch of road, I have noted that the road is no longer described as an accident cluster site although the reason for removing this designation is unclear. There have been a number of accidents in the vicinity over the last 5 years but none involving vehicles using the Moor Drove/Cottenham Road junction. Indeed most of the 5 accidents of which I have details involve either a single vehicle, a cyclist or an escaped horse. I do not consider that these indicate that the junction is unsafe.

ii) *Desirable Minimum Stopping Sight Distances (DMSSDs)*

26. The expert witnesses do not agree on the appropriateness of using the stopping sight principles of DMRB TD9/93 for determining the speed of a stopping vehicle. The Council does not consider that DMSSD can be achieved for vehicles approaching from the north or south. The length of the DMSSD is calculated by multiplying the "Y" distance by 1.5. As I have not accepted the Council's "Y" distance to the south of the site, it follows that I do not accept the Council's contention that the DMSSD can only be achieved over 80m of the

required 240m. Based on the figures in Appendix A.5 of Appendix TW4 of Mr Ward's proof of evidence, and using the existing situation, the DMSSD to the south is available over 140m out of 180m. Of the four identified 10m lengths where the DMSSD is not achievable, two lengths are within 40/50m of the site entrance and thus the DMSSD extends some distance beyond the site entrance. At these points the site entrance itself is therefore clearly visible to drivers. The other two lengths are within the 40-mph zone and at the southern extremity of the DMSSD. In these circumstances, and taking account of the fact that the existing sight line (149m) considerably exceeds the necessary "Y" distance (120m), I am not convinced that the failure to provide the DMSSD to the south is unduly harmful to highway safety.

27. To the north of the site, and again using the existing layout, the Council's table shows that the DMSSD is available over 120m out of 240m. It is available, however, throughout all the 80m beyond the northern extremity of the "Y" distance. Within the "Y" distance, the site entrance is, of course, clearly visible. In these particular circumstances I am not convinced that a failure to meet the DMSSD, even if necessary, is harmful to highway safety.
28. I conclude on this issue that provided the junction is improved to enable a right angled junction to be constructed, the development would not be harmful to highway safety. Due to the adequate visibility and the number of other entrances off Cottenham Road I do not consider that carriageway widening of Cottenham Road is essential. I conclude that all four of the highway options would be acceptable and would maintain adequate safety. This would accord with Policy DP/3 (1.b) of the LDF Development Control Policies DPD.

Living conditions

29. I agree with the Council and the previous Inspector that this issue is confined to the impact on the living conditions of the occupiers of Beck Farm. I visited that property and noted that it is a working farm with a bungalow close to Cottenham Road and with outbuildings to the rear. It has no rear garden as such; the outbuildings come close to the rear of the dwelling. The domestic garden is divided into two halves either side of the dwelling and I found that both areas are subject to significant background noise from vehicles on Cottenham Road. This carries some 12-13,000 vehicles per day; the speed limit outside the appeal property is 60-mph. Highway options 1, 2 and 4 all, to varying degrees, involve moving the south eastern end of Moor Drove further away from the side garden of Beck Farm, although it would still be close to the outbuildings to the rear. While the carriageway would only be moved a maximum of about 5m away from its present alignment, the Council considers that this would overcome any harm.
30. The bungalow itself has windows to a bedroom, kitchen/dining room and sitting room facing towards Moor Drove although some are partly protected by a conservatory/greenhouse structure attached to the side. The side wall of the bungalow is almost 25m from the carriageway of Moor Drove and, while vehicles would be visible, I do not consider that the noise and disturbance arising from the amount of traffic generated by 6 plots, estimated by the parties to be in the order of 50-60 vehicles per day, is likely to be unduly harmful. The evidence of the occupier of the property was that while it is the Council's waste truck that is most unneighbourly, vehicles braking and

changing gear also cause some noise nuisance. There is also noise intrusion into the dairy and goat house which are closer to Moor Drove.

31. The garden to the north of the bungalow is laid to lawn and flower beds. This is the public side of the property and is seen by visitors and customers to the farm shop. It would be protected from any noise generated by traffic using Moor Drove by the bungalow. To the south of the bungalow, adjacent to Moor Drove, the garden is used for growing vegetables. Anybody working in that garden would undoubtedly be aware of vehicles using Moor Drove. They would be visible through the wide, but not especially dense, hedge and they would be heard above the background noise from traffic using Cottenham Road. However, the surface of the track is good and due to the proximity to the junction with Cottenham Road traffic speeds are low. While there is undoubtedly some nuisance arising from the use of Moor Drove, I am not convinced that the harm to living conditions arising from the traffic generated by the appeal site is so great as to be unacceptable or to conflict with Policy DP/3 (2.j) of the LDF Development Control Policies DPD. Conditions can be imposed prohibiting commercial use of the site and the stationing or parking of large commercial vehicles. The limited benefits of moving the carriageway of Moor Drove a few metres to the south would be outweighed by the resultant harm to the character and appearance of the area due from the loss of trees and shrubs.

Other material considerations

32. Concerning the need for sites, it is accepted that this need is national, regional and local. The Council has completed its Gypsy and Traveller Accommodation Assessment (GTAA) and has started its Allocations DPD. This is in advance of the regional quota being finalised; the figure of 59 pitches is being promoted by the East of England Regional Assembly with the remainder of the identified need in the area (some 51 to 71 pitches) being imposed on other districts. The current figure of 59 pitches shows a substantial need in the District and this weighs significantly in favour of the appellant. There are numerous sites with temporary planning permissions; if all these were to become allocated sites and granted permanent planning permission, the Council's quota would be met.
33. However, there is no certainty that the figure of 59 pitches for this Council will be adopted or that all the current temporary permissions will be made permanent. If they were, however, this could mean that groups such as the site residents would have no prospect of finding sites in the area or being allocated sites as part of the DPD. The residents have strong local connections, having lived on Smithy Fen for some time before, in their words, being bullied and forced off by an influx of Irish Travellers. The local connections of the site residents are such that Sharon Price is the fifth generation of her family to live in the Cottenham area. They have an immediate need for a site in the area. Five of the pitches are occupied by members of an extended family; they provide support for each other. The other pitch is occupied by Mr Smith whose father owned the appeal site and who lived near the other site residents at Smithy Fen and has travelled with them. He owns, breeds and trades in horses and has rented the same grazing land in and around Histon for over 10 years.
34. One of the objectives of ODPM Circular 01/2006 is to help to avoid gypsies and travellers becoming homeless through eviction from unauthorised sites without

an alternative to move to. The recent application by the Council for an injunction to evict the site residents demonstrates that if this appeal fails, the Council is likely to implement the extant ENs. This would result in the site residents becoming homeless. In the absence of an alternative site the probability is that they would have to resort to roadside camping. A reversion to a roadside existence would be likely to result in serious hardships to the site residents and in additional costs to other landowners and the community. It would be likely to cause more harm to the character and appearance of the locality than the continued occupation of the well-hidden appeal site. It would also be likely to be harmful to the Green Belt as Mr Smith and his family would need to remain in the immediate area to look after his horses.

35. The Council is not able to suggest any alternative sites. It is not disputed that there are no vacancies on Council-run sites although it is possible that if any of the site residents had put themselves on a waiting list in 2003/2004 they may have been accommodated by now. None of the site residents is on a waiting list. There are no known vacancies on private sites although there was some dispute concerning the development of a site within an allocated area to the east of Cambridge at Chesterton Fen (referred to in Policy CNF6 of the *South Cambridgeshire Local Plan 2004*). This site is the subject of a current planning application but there is no certainty that it will be available to any of the site residents; the balance of probabilities seems to be that the owner will not make pitches available to anybody other than members of his own family. In any case, there is no certainty that the pitches here would be affordable to the site residents. I conclude that the absence of alternative sites weighs heavily in favour of the appellant.
36. There are no gypsy/traveller-related development plan policies against which possible alternative sites could be assessed. While the appellant has not provided much evidence of searching for an alternative site, such a search within this District would be extremely difficult due to the extent of the Green Belt and the absence of any specific development plan policy. I give little weight to the relevance of the criteria set out in Policies DP/2 and DP/3 of the LDF Development Control Policies DPD due to the very specific needs of gypsies and travellers and advice in ODPM Circular 01/2006. The only policy in the *South Cambridgeshire Local Plan* which related specifically to gypsy site provision (Policy H23) and which was cited at the previous Inquiry, has not been "saved" and so is no longer extant. The emerging plans will require some time before any new sites become available. In the interim there remains a policy vacuum. This weighs in favour of the appellant.
37. Concerning the medical needs of the site residents, some, if not all, are registered with local doctors in Cottenham. Mr Harry Price, the appellant, suffers from arthritis and psoriasis; he sees specialists at Addenbrookes Hospital, Cambridge. His arthritis is so bad that sometimes he cannot walk properly. Both Lynne Price and Sharon Price suffer from depression; the latter is on medication as a result. In each case the depression seems to arise from the uncertainty surrounding their accommodation needs and the need for the children/grandchildren to be educated. Robert Smith's wife has suffered a nervous breakdown and he is registered with the local doctor due to high blood pressure and due to damage to an eye caused by one of his horses. I give some, albeit limited, weight to their health needs; ODPM Circular 01/2006

identifies the sustainability considerations concerning the wider benefits of easier access to GP and other health services.

38. Concerning education, there are 4 children on the site who attend the nearby Cottenham Primary School; one child who attends Traveller play sessions; and two children too young for school. None of the children have any special education needs that could only be provided at this school although one child has extra teaching as he is a bit behind his age group. A further child, Drewy Price, is hoping to study plumbing at Cottenham Regional College from this September. I give the education needs some weight, as continuity of education is important and difficult to achieve from a roadside existence, but the weight is limited as the education needs could be met elsewhere.

Balancing exercise

39. Paragraph 3.1 of PPG2 sets out the general presumption against inappropriate development in the Green Belt and says that such development should not be approved, except in very special circumstances. Paragraph 3.2 says that inappropriate development is, by definition, harmful to the Green Belt and that it is for the appellant to show why permission should be granted. It further says that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
40. In this case there is the harm arising from inappropriateness to which I must give substantial weight. In addition there is a small amount of harm, at a local level, to the openness of the Green Belt. There is further harm arising from the limited conflict with two of the purposes of including land within the Green Belt. Taken together, this amounts to considerable harm. In addition there is some harm to the character and appearance of the area, particularly around the Moor Drove/Cottenham Road junction, although the harm is limited by the lack of public views of the site itself.
41. Against this harm there are a number of considerations that when taken together carry significant weight. In particular the need for additional gypsy sites in the area; the fact that this need will not be addressed on the ground for at least 3 to 4 years; the immediate needs of the appellant and other site residents for a site; the fact that no suitable alternative, affordable sites have been identified to which they could move if evicted from the site; the need to access medical care; the need for the children to continue their education; the need for Mr Smith to live near the rented land where he keeps his horses; and the substantial hardship and costs the site residents would face if forced to leave the site with nowhere to go.
42. I conclude that, taken together, these other considerations clearly outweigh the harm by reason of inappropriateness, and the other identified harm. I also conclude that these circumstances are very special and are unlikely to be replicated by many members of the population. They are sufficient to justify the development subject to the imposition of conditions.

Conditions

43. I have considered the list of suggested conditions put forward by the Council and discussed at the Inquiry. I consider that the permission should be

personal to the appellant and the other site residents as their personal circumstances have been given some considerable weight in this decision. I have limited the number of caravans permitted on the site in accordance with the application in order to control the scale and visual impact of the development. I have imposed conditions prohibiting commercial use on the site and limiting the size of vehicles that may be parked or stored in order to protect the visual amenities of the area and the living conditions of the occupiers of Beck Farm. Details of foul and surface water drainage, external lighting and landscaping need to be provided in the interests of the appearance of the area.

44. Concerning the improvements to the highway, I consider that it is essential that the Moor Drove/Cottenham Road junction be improved to provide a right-angled junction in place of the existing acute angle. However, for the reasons given above I do not consider that a right-turn carriageway widening is essential or that the alignment of Moor Drove needs to be altered where it passes Beck Farm as the amenity benefits would be outweighed by the harm arising from the loss of trees and vegetation. I have therefore imposed a condition requiring the implementation of the highway scheme as shown on Drawing No R1653/3 [option 3]. The condition also requires the provision of advance warning traffic signs in the interests of highway safety.

Conclusions

45. I am satisfied that the other considerations advanced in support of the appellant are sufficient to clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other identified harm. These other considerations amount to very special circumstances that outweigh the harm and amount to the necessary very special circumstances so as to justify the grant of permanent planning permission.

Clive Hughes

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Richard Langham	Of Counsel; instructed by the District Solicitor for South Cambridgeshire District Council
He called	
John Koch Dip TP MRTPI	Appeals Manager/Special Projects Officer, Planning and Sustainable Communities Service, South Cambridgeshire District Council
Timothy Webb CEng MICE	Technical Manager, Highway Design; Highway and Transportation Division, Atkins Limited, Threadneedle House, 9-10 Market Road, Chelmsford, Essex CM1 1XA

FOR THE APPELLANT:

Marc Willers	Of Counsel; instructed by Philip Brown Associates Limited
He called	
David Rutherford MSc CEng MICE FIHT	Director, Rutherfords (Cambridge) Ltd, Highway and Transport Planning Consultants, Old Chapel House, High Street, Haslingfield, Cambridge CB23 1JW
Philip Brown BA(Hons) MRTPI	Managing Director, Philip Brown Associates Limited, 74 Park Road, Rugby, Warwickshire CV21 1QX
Lynn Price	Plot 4, Moor Drove, Cottenham Road, Histon, Cambridge
Sharon Price	Plot 2, Moor Drove, Cottenham Road, Histon, Cambridge
Robert Smith	Plot 1, Moor Drove, Cottenham Road, Histon, Cambridge

INTERESTED PERSONS:

Mrs E Gale	Beck Farm, Cottenham Road, Histon, Cambridge CB24 9ET
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DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Supplementary statement and appendices from David Rutherford
- 2 Statement and enclosure from Mrs E Gale
- 3 Appellant's bundle of authorities and materials
- 4 Count of Gypsy and Traveller Caravans 21 January 2008; Table 1
- 5 Gypsy sites provided by LAs and RSLs, 21 January 2008; Table 2
- 6 Diagram showing highway parameters
- 7 Plans showing extent of Green Belt and areas liable to flooding
- 8 Appeal Decisions APP/K2420/A/06/2006830 and C/06/2006790 – The Paddock, Watling Street, Higham on the Hill, Leicestershire
- 9 Beck Farm SDR Speed Survey November 2007
- 10 Extract from Traffic Signs Manual, Chapter 4 pp10-12
- 11 B1049 Cottenham Road accidents 2005-2007

- 12 Extract from Part 6 TD 42/95 Chapter 2 p2
- 13 Undated letter and enclosures from T R Savage to appellant
- 14 Land Registry Title CB309875
- 15 Letter dated 30 October 2006 from The Community Law Partnership to Legal Services, South Cambridgeshire District Council

PLANS

- A Site location plan scale 1:2500
- B Site layout plan
- C Drawing No R1653/2 – application plan showing alterations to access with right-turn passing widening

Annex to appeal decision APP/W0530/A/08/2067087

Conditions (7)

- 1) The use hereby permitted and occupation of the caravans shall be carried on only by Robert Smith (Plot 1), Sharon Price (Plot 2), Georgina Price (Plot 3), Lynne Price (Plot 4), Danny Price (Plot 5) and Harry Price (Plot 6) and their resident dependents.
- 2) When the premises cease to be occupied by those named in Condition 1, the use hereby permitted shall cease, and all caravans, structures, materials and equipment brought on to the land in connection with the use shall be removed.
- 3) There shall be no more than 6 (six) plots on the land and no more than 2 (two) caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended) shall be stationed on any plot at any one time, of which no more than 1 (one) shall be a static caravan or mobile home.
- 4) No commercial activities shall take place on the land, including the storage of materials and goods.
- 5) No commercial vehicles over 3.5 tonnes shall be stationed, parked or stored on this site.
- 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 of the requirements set out in (i) to (iv) below:
 - i) within 3 (three) months of the date of this decision schemes for:
 - improvements to the junction of Moor Drove/Cottenham Road in accordance with details shown on Drawing No R1653/3;
 - the provision of traffic signs in Cottenham Road to the north and south of Moor Drove in accordance with Diagram 506.1 of Chapter 4 of the Traffic Signs Manual;
 - the provision of foul and surface water drainage of the site;
 - the proposed and existing external lighting on the boundary of and within the site;
 - a flood evacuation plan, which is to be held on site and available for use at all times; and
 - tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities;shall have been submitted for the written approval of the local planning authority and the said schemes shall include timetables for their implementation.
 - ii) within 11 months of the date of this decision the site development schemes shall have been approved by the local planning authority or, if the local planning authority refuse to approve the schemes, 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 schemes shall have been approved by the Secretary of State.
 - iv) the approved schemes shall have been carried out and completed in accordance with the approved timetables.
- 7) At the same time as the planting scheme required by condition 6 above is submitted to the local planning authority there shall be submitted a schedule of maintenance for a period of five years of the proposed planting commencing at the completion of the final phase of implementation as required by that condition; the schedule to make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

SCALE 1:2500

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DEVELOPMENT CONTROL



Appeal Decisions

Hearing Held on 13 March 2018

Site visit made on 13 March 2018

by Mr K L Williams BA, MA, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 April 2018

Appeal A: APP/W0530/W/17/3183666

Land on the north side of Moor Drove, Cottenham, Cambridge, CB4 9ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr T Price against South Cambridgeshire District Council.
- The application, ref S/2896/16/FL, was registered on 9 January 2017.
- The development proposed is described as "change of use to residential occupation to house 6 caravans and 2 mobile homes, utility sheds and hard standing."

Summary of Decision: The appeal succeeds and planning permission is granted as set out in the Formal Decision.

Appeals B, C and D: Refs: APP/W0530/C/17/3167840, 3167842 and 3167845

Land on the north side of Moor Drove, Cottenham, Cambridge, CB4 9ES

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr T Price against enforcement notices issued by South Cambridgeshire District Council.
- The enforcement notices in Appeals B and C were issued on 10 January 2017. The enforcement notice in Appeal D was issued on 10 February 2017.
- In Appeal B the breach of planning control as alleged in the notice is the erection of wooden fences, creation of an area of hard core/hardstanding and stationing of caravans for residential occupation, and motor vehicles on agricultural land.
- The notice's requirements in Appeal B are to:
 - (i) Cease the unauthorised use of the affected land for the stationing and residential occupation of caravans;
 - (ii) Remove all caravans and vehicles from the affected land together with any associated domestic paraphernalia;
 - (iii) Dismantle and remove the fencing and wooden sheds from the affected land together with all surplus materials resulting;
 - (iv) Remove all hard core, hardstanding and other arisings from the affected land;
 - (v) Restore the affected land to a condition suitable for its authorised use for agricultural purposes.
- In Appeal C the breach of planning control as alleged in the notice is the erection of wooden fences.
- The notice's requirements in Appeal C are to:
 1. Dismantle and remove all wooden fences from the affected land together with all surplus material arising;
 2. Restore the affected land to a condition suitable for its authorised use for agricultural purposes.
- In Appeal D the breach of planning control as alleged in the notice is the erection of

wooden fences, creation of an area of hard core/hardstanding and siting of a motor vehicle.

- The notice's requirements in Appeal D are to:
 1. Cease the unauthorised use of the affected land for the storage of vehicles;
 2. Remove the vehicles from the affected land;
 3. Dismantle and remove the fencing from the affected land together with all surplus material resulting;
 4. Remove all hard core/hardstanding and other arisings from the affected land;
 5. Restore the affected land to a condition suitable for its authorised use for agricultural purposes.
- The period for compliance with the requirements in each of the notices is 3 months.
- Appeals B, C and D are proceeding on the grounds set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeals succeed. The enforcement notices are varied and upheld as set out in the Formal Decision.

Appeal A: The Planning Appeal

Preliminary Matters

1. The development in Appeal A is more accurately described as the material change of use of the land to the stationing of caravans for residential use, the erection of utility sheds and the laying of hardstanding. This matter was discussed at the Hearing and I have determined the appeal on that basis.

Background

2. The appeal site extends to about 0.2 hectares and is in the countryside between the villages of Histon and Cottenham. It is accessed from the B1049 by a private road, Moor Drove. The site is in the Cambridge Green Belt. It is adjacent to a gypsy and traveller site which contains 6 pitches and was granted planning permission in 2008. The extended family occupying the appeal site moved on in May 2016. A Site Plan and Landscape Scheme drawing shows the site divided into 3 pitches, numbered 7 to 9. Pitches 7 and 9 would each contain a mobile home, two touring caravans and a utility shed. Pitch 8 would contain one mobile home, one touring caravan and a utility shed. A further drawing provides a plan and elevations of the proposed utility sheds. They would provide washroom facilities.

Main Issues

3. It is not disputed that this would be inappropriate development in the Green Belt. On that basis the main issues are:
 - i) Gypsy and traveller status;
 - ii) The effect on Green Belt openness and purposes;
 - iii) The effect on the character and appearance of the area;
 - iv) The need for sites for gypsies and travellers, the provision of sites and the availability of alternative sites;
 - v) Personal circumstances;
 - vi) Human rights and the best interests of children;

- vii) The overall balance and whether the harm from inappropriateness and any other harm would be clearly outweighed by other considerations. If so, whether this would amount to very special circumstances which would justify the proposal.

Gypsy and Traveller Status

4. All of those living on the site are of either Romany Gypsy or Irish Traveller ethnicity. They have a cultural tradition of caravan dwelling and an intolerance of living in "bricks and mortar" housing. Pitch 7 would be occupied by Mr Tony Price, Mrs Eileen Price and their 5 children, aged between 2 and 16. They are expecting a further child. Pitch 8 would be occupied by Mrs Josephine Price and her 3 children, aged between 5 and 10. Pitch 9 would be occupied by Mr Patrick Connors, Mrs Kathleen Connors and their adult son Mr John Connors.
5. Annex 1 of Planning Policy for Traveller Sites, 2015 (PPTS) provides a definition of gypsies and travellers for the purposes of its policies. It is "*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or of old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.*"
6. Tony Price has travelled locally and further afield for work, undertaking groundworks and work to trees. He continues to do so, often taking a touring caravan. His two eldest sons now work with him and the whole family sometimes travels, particularly in the summer. Mr Price and his resident dependents fall within the PPTS definition. Mrs Josephine Price has 3 young children. She does not travel for work purposes. She plans to travel with Mr and Mrs Price in the future and anticipates that her son will travel in the gypsy tradition in the future. It has not been established that Mrs Josephine Price travelled for work previously or is likely to do so in the future. It is speculative whether her son will do so. I consider that Mrs Price and her family do not fall within the PPTS definition. Mr and Mrs Connors are elderly. While they have travelled in the past they have now ceased to do so permanently. They do not fall within the PPTS definition. Mr John Connors has travelled for work in the past. He suffers from serious health problems and does not travel at the moment. The appellant's evidence is that he is receiving medical treatment for his conditions and that when he recovers he is likely to travel for work again. I consider him to fall within the PPTS definition on the basis that his cessation of travelling is likely to be temporary.

The Effect on Green Belt Openness and Purposes

7. The appeal site and much of the surrounding area is predominantly open in character. The exception to this is the adjacent authorised gypsy and traveller site. The surfacing of the appeal site with hardstanding would not impinge on openness to any great extent. However, the introduction of 3 static caravans, 5 touring caravans, 3 utility sheds, fencing and related vehicles and domestic paraphernalia would significantly reduce openness. The purposes of Green Belts are set out in paragraph 80 of the National Planning Policy Framework (the Framework). The development would conflict with the purpose of safeguarding the countryside from encroachment. The development would also conflict with the Green Belt purpose of preventing neighbouring towns from

merging into one another. Policy ST/1 of the Council's Core Strategy, 2007 (CS) explains that a particular purpose of the Cambridge Green Belt is to prevent communities in the environs of Cambridge from merging into one another and with the city. The development would diminish the gap between the villages of Cottenham and Histon, albeit to a small extent. The extent of these Green Belt harms is limited to some degree by the modest size of the appeal site and the lack of public viewpoints from which they can be appreciated. The development conflicts with policy GB/1 of the Council's Development Control Policies document (DCP), which presumes against inappropriate development in the Green Belt.

The Effect on the Character and Appearance of the Area

8. The site is in an area of countryside which is predominantly agricultural in character and generally flat and open. There is an area of trees to the south of that part of Moor Drove adjacent to the site. The neighbouring authorised traveller site comprises 6 pitches and now forms part of the character of the immediate surroundings of the appeal site. The development would in effect be an extension of that site. The 2008 planning permission for the 6 pitches is a personal permission, so that if that site ceases to be occupied by named individuals and their resident dependents the use would cease and caravans and other structures would be removed.
9. In this context, the placing of caravans and sheds on the site, the erection of fencing and the installation of hardstanding would result in a degree of harm to the area's character and appearance. The submitted Site Plan and Landscape Scheme shows an area of tree planting along the site's southern boundary and some further tree planting along its eastern boundary. It is not necessary for gypsy and traveller sites to be hidden from view and these measures would go some way to integrating the development into its surroundings. The site is not visible from public viewpoints and given the limited scale of the development the additional vehicle movements at the junction of Moor Drove and the B1049 would not be harmful to local character. I conclude that the harm to character and appearance would not be sufficient to amount to the unacceptable adverse impact which is not permitted by DCP policy DP/3.

The need for and provision of sites, availability of alternative sites

10. Amongst the aims of PPTS are increasing the number of sites permitted in appropriate locations to address under provision, maintaining an appropriate level of supply and promoting private traveller site provision. Local planning authorities should make their own assessments of need. A robust evidence base should be used to establish accommodation needs to inform local plan preparation and planning decisions.
11. There is no extant policy in the CS or the DCP which deals with the provision of sites for gypsies and travellers. The Council is preparing a new South Cambridgeshire Local Plan (SCLP). Policy H/21 of the SCLP is a criteria based policy dealing with proposals for gypsy, traveller and travelling showpeople sites on unallocated land outside development frameworks. The Council has carried out consultations on main modifications to the SCLP and has sent the results to the local plan Inspector. There are relevant unresolved objections to the SCLP main modifications and in that context I give any conflict with policy H/21 little weight.

12. The need for additional sites for gypsies and travellers in the district is disputed. The Council's case relies on the Cambridge, Kings Lynn and West Norfolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment 2016 (GTAA). It takes into account the PPTS definition of gypsies and travellers. The GTAA finds an overall need for 20 pitches in the District between 2016 and 2036 but that this is offset by 29 vacant pitches, resulting in a net need of -9 pitches. It also finds a need for up to 68 additional pitches for gypsies and travellers that may fall within the PPTS definition. A further 61 pitches is needed for gypsy and traveller households not meeting the new definition. Having regard to the GTAA the Council does not propose to allocate further traveller sites in the new local plan.
13. The appellant heavily criticises the GTAA methodology and asserts that the GTAA does not provide a robust evidence base. He says that it fails to allow for any net in-migration or any need arising from those currently living in "bricks and mortar" housing or in non-gypsy caravan parks. Other criticisms include a low response rate arising from the approach to interviews, the effect of a reluctance of the travelling community to participate in such surveys, a restricted approach being taken to defining travelling for work purposes and the onus being placed on respondents to show that they did travel for work purposes. The circumstances surrounding sites considered to be vacant are also questioned.
14. The 2016 GTAA provides the most recent available assessment of need in the district. Its robustness will be determined primarily through the Local Plan process rather than in the context of an appeal decision. Nevertheless, the GTAA itself acknowledges that the level of need arising from the 194 "unknown households" (those refusing an interview or not present at the time of interview) could increase the level of need by up to 68 pitches depending on the proportion of those households falling within the PPTS definition. This, it seems to me, introduces significant uncertainty with regard to the precise level of assessed need. Nor is it clear that the 29 vacant plots to which the GTAA refers will necessarily become available to offset the assessed need as is assumed. The Council's approach to meeting needs arising from the "unknown households" is through the criteria based approach of policy H/21 of the SCLP. The effectiveness of that approach in providing additional sites, should it be adopted in the emerging local plan, remains to be seen.
15. There are two council owned sites for gypsies and travellers. There are and have been lengthy waiting lists for both sites. While by no means a precise measure, these waiting lists can be seen as an indicator of a need for more sites. Section 124 of the Housing and Planning Act 2016 clarifies the duty of each local housing authority to consider housing needs in their district, including considering the needs of those residing in or resorting to the district with respect to the provision of sites for the stationing of caravans. Amongst other things, Framework paragraph 50 requires the Council to plan for the housing needs of different groups in the community. As I set out above, some of those living on the site are gypsies who fall outside the PPTS definition but nevertheless need to live in caravans. Although the Council intends to assess their needs as part of its overall assessment of housing need, there is no current provision for meeting the needs of this group. It is not to be addressed specifically in the emerging local plan and the Council intends that it should be addressed in an early review of that plan.

16. Those living on the site were homeless for a long period after leaving a site in Wisbech and they resorted largely to a roadside existence. They have a pressing personal need for a settled site from which to access health, education and other services and to pursue a traveller way of life. Mr Price refers to searching for other sites over a long period without success. There is no documentary evidence to support this search but it is credible in the context of the waiting lists of the two Council sites. As the Council points out, only about 25% of the district is in the Green Belt. Although one of the plots on the adjacent authorised site appears to be vacant the appellant explained at the Hearing that it is not available to him or likely to become available. No other site that is realistically available to this extended family has been identified within or outside the Green Belt.
17. The appellant also contends that there has been a failure by the Council over a long period to meet effectively the need for sites for gypsies and travellers in the district. Appeal decision APP/W0530/W/14/300130 was issued in August 2016 and concerned land at Willingham. In her decision on that appeal the Inspector observed that the 2011 GTAA had not been robust and was flawed. She found that the Council did not have a good recent record of assessing the need for and delivering traveller sites and that this added significant support for the development in that appeal. Since then the Council has commissioned a new GTAA. It is proceeding towards the adoption of a new local plan. The need for and provision of sites for travellers remains a matter in dispute in that plan. In that context the Council's previous record adds little to my conclusions in this appeal.
18. I conclude on these matters as follows. The personal need of this extended family for a settled site and the absence of any realistically available alternative site weigh in favour of the development. Some substantive matters concerning the robustness of the GTAA remain to be resolved. They will be addressed thorough the emerging local plan. The outcome remains uncertain with regard to the need for and provision of sites, both for those falling within the PPTS definition and those who do not. This uncertainty also carries some weight in the appellant's favour. The development does not comply with emerging policy H/21. Amongst other things that policy requires demonstration of *"a clear need for a site in the district and the number, type and tenure of pitches proposed, which cannot be met by a lawful existing or available allocated site."* While casting doubt on the 2016 GTAA the appellant has not demonstrated a quantitative need for any particular level of site provision.

Personal Circumstances

19. Those living on the site are a close knit extended family. They rely heavily on each other for mutual support and also have relatives on the adjacent authorised site. Before occupying the appeal site they had a long period of a roadside existence after leaving the Wisbech site. They left that site under particularly tragic circumstances resulting in the death of a family member. This has resulted in stress for the whole extended family and most severely for those closest to the deceased. The submitted evidence is sufficient to show that 3 of the site residents have serious medical conditions and another has a significant medical condition. Some of these conditions are related to the earlier tragic family circumstances. They are receiving medical care for those conditions and benefit from ready access to medical facilities. Mrs Josephine

Price's children attend local schools. Two of Mr Tony Price's children will attend a local nursery when old enough. Another receives home education at the site. These personal circumstances weigh in the appellant's favour.

Human Rights and the Best Interests of the Children

20. The site is occupied by 6 adults and 8 children. A further child is expected. If this appeal fails it is likely that they would have to leave the site. This would result in an interference with their human rights with regard to Article 8 of the European Convention on Human Rights. It encompasses respect for family life and the home. It is consistent with relevant caselaw that the best interests of children should be a primary consideration in my decision, although not necessarily the determining factor. The best interests of the 8 children and of the expected child are to remain on this site and for it to be developed as proposed. An ordered and settled site would afford them the best opportunity of a stable, secure and happy family life, opportunities for primary and secondary education, ready access to health and other services and opportunities for play and personal development. While similar benefits might be achieved on another settled site, no suitable alternative sites have been identified. A roadside existence does not preclude all access to education and health services. Nevertheless, it is likely that a prolonged absence of a settled site would lead to serious disruption to access to education, health and other services for these children. These matters weigh in the appellant's favour.

Other Matters

21. It is national policy that intentional unauthorised development should be a material consideration in planning decisions. This arises from concern about the harm caused by such development, the lack of opportunity to consider mitigation of any harm and the related public expense of enforcement action. This development was unauthorised and it is not disputed that it was carried out intentionally. This weighs against the appellant and led the Council to devote resources to pursuing enforcement action. I also take into account the circumstances that led to the unauthorised occupation, which followed a prolonged period of a roadside existence, and the lack of alternative sites. In addressing the main issues in this appeal I have already taken into account the harm caused by the development and the scope for mitigation of that harm.
22. Although it is in the countryside, the site is not distant from settlements. It is about 2 km from Histon and a similar distance from Cottenham. Both settlements have a wide range of services and facilities and there is a public footway and cycle path along the B1049 to Cottenham. There would be adequate accessibility to services and facilities. The development would also be consistent with criteria in PPTS paragraph 13, for example in providing the benefits of a settled site, reducing the need for long-distance travelling and the risk of environmental damage caused by unauthorised encampments.

The Overall Balance

23. In accordance with the Framework I give substantial weight to the harm to the Green Belt. It includes harm through inappropriateness, to Green Belt openness and to Green Belt purposes. The site is not seen from public viewpoints and landscaping measures could provide some mitigation of its effects on the area's character and appearance. I give moderate weight to the

residual effect. For the reasons set out above, I give little weight to intentional unauthorised development as a material consideration.

24. A number of matters are worthy of substantial weight in the appellant's favour in this case. They are the personal need of this extended family for a settled site, the lack of any realistically available alternative sites, personal circumstances with regard to health and education and the effect on the human rights if the extended family is required to leave the site. The best interests of the 8 children living on the site and of the expected child are a primary consideration and are also worthy of substantial weight in favour of the development. The current uncertainty regarding the need for and provision of sites for travellers in the district and the sustainability benefits of providing a settled site, including adequate accessibility to a range of services and facilities, each carries moderate weight in the appellant's favour.
25. Having regard to the above and to all other matters raised my overall conclusion in Appeal A is that the harm to the Green Belt and the other harm which would result from this development would be clearly outweighed by other considerations. Taking into account in particular the best interests of the children and the personal circumstances in this case I find that there are very special circumstances which would justify the granting of planning permission subject to appropriate conditions.

Conditions

26. I have considered the Joint Statement on conditions which was submitted by the Council and the appellant and discussed at the Hearing. The development has commenced so that conditions should be in the retrospective form where appropriate. My decision relies on personal circumstances and the best interests of the children living on the site. A personal condition is therefore required. To protect the character and appearance of the area and residential amenity conditions should also address the number of pitches and caravans, site layout and related matters, compliance with submitted plans, external lighting, vehicle type, commercial uses, landscaping, site restoration and the storage of waste and recyclables. To protect the environment a condition on foul and surface water drainage is also needed.

Appeals B, C and D: The Enforcement Appeals

27. Each of the enforcement notices concerns part of the wider site that is the subject of Appeal A. Under ground (g) the appellant contends that the 3 month compliance period provided for in each of the notices is unreasonably short. The Council has referred to other appeal decisions in which a 3 month compliance period was considered adequate. Nevertheless, I have particular regard to the relevant circumstances in these appeals. The enforcement notice in Appeal B requires the use of the land for the stationing of residential caravans to cease and that all caravans, vehicles and related operational development are removed. A requirement to leave the site would infringe the human rights of those living on it. There is no alternative site available to them so that a roadside existence would be likely to result. This would conflict with the best interests of the children. I also take into account personal medical circumstances, the likely effect on access to health and education facilities and the risk of unauthorised development or encampments elsewhere. I conclude

that the 3 month compliance period in Appeal B is unreasonably short and that the period should be extended to 12 months.

28. Appeals C and D concern operational development related to and required for the unauthorised use in Appeal B. Having regard to my conclusion on Appeal B the compliance period on the notices in Appeals C and D should also be extended to 12 months.

Overall Conclusions

29. Appeal A should succeed and planning permission should be granted as set out in the Formal Decision. Appeals B, C and D should also succeed. The enforcement notices should be varied to extend the compliance periods to 12 months. The notices should be upheld. By virtue of section 180 of the Act the requirements of the upheld notices will cease to have effect so far as they are inconsistent with the planning permission to be granted under Appeal A.

Formal Decisions

APP/W0530/A/17/3183666

30. The appeal is allowed and planning permission is granted for the material change of use of the land to the stationing of caravans for residential use, the erection of utility sheds and the laying of hardstanding on land on the north side of Moor Drove, Cottenham, Cambridge, CB4 9ES in accordance with the terms of the application ref S/2896/16/FL and the drawings submitted therewith and subject to the conditions set out in the Schedule attached to this decision.

Appeal B: APP/W0530/C/17/3167840

31. The appeal is allowed. Then enforcement notice is varied at paragraph 6 by the replacement of the words "3 (three) months" with "12 (twelve) months". The enforcement notice is upheld subject to that variation.

Appeal C: APP/W0530/C/17/3167842

32. The appeal is allowed. Then enforcement notice is varied at paragraph 6 by the replacement of the words "3 (three) months" with "12 (twelve) months". The enforcement notice is upheld subject to that variation.

Appeal D: APP/W0530/C/17/3167845

33. The appeal is allowed. Then enforcement notice is varied at paragraph 6 by the replacement of the words "3 (three) months" with "12 (twelve) months". The enforcement notice is upheld subject to that variation.

K Williams

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr M Hargreaves	Michael Hargreaves Planning
Mr T Price	The appellant.
Mrs E Price	The wife of the appellant.

FOR THE LOCAL PLANNING AUTHORITY:

Ms R Ward	Principal Planning Officer, South Cambridgeshire District Council.
Mr J Dixon	Principal Planning Officer, South Cambridgeshire District Council.
Mr W Trotter	Enforcement Officer, South Cambridgeshire District Council.

DOCUMENTS SUBMITTED AT THE HEARING

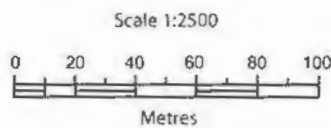
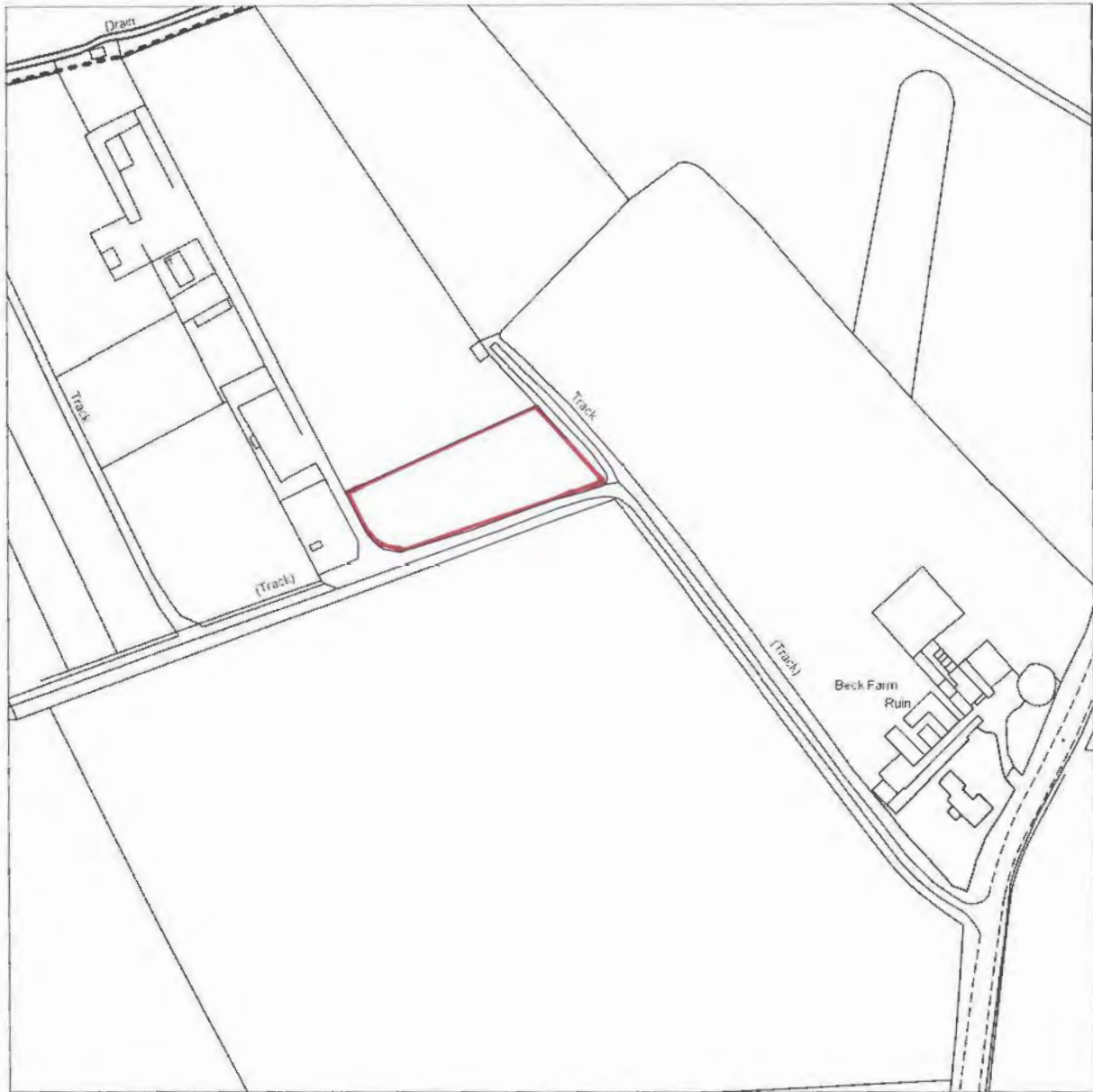
1. Statutory Declaration of Eileen Price.
2. Statutory Declaration of Kathleen Connors.

SCHEDULE OF CONDITIONS

- 1) The use hereby permitted shall be limited to 3 pitches. No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed at any time on each of pitches 7 and 9 as shown on the submitted drawing 7-9 Moor Drove Site Plan and Landscape Scheme and no more than 1 caravan on each of those pitches shall be a static caravan.
- 2) No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed at any time on pitch 8 as shown on the submitted drawing 7-9 Moor Drove Site Plan and Landscape Scheme and no more than 1 caravan on that pitch shall be a static caravan.
- 3) The use hereby permitted shall be carried on only by the following persons: Mr Tony Price and Mrs Eileen Price and their resident dependents (Plot 7), Mrs Josephine Price and her resident dependents (Plot 8) and Mr Patrick Connors, Mrs Kathleen Connors and Mr John Connors and their resident dependents (Plot 9).
- 4) When the premises cease to be occupied by those named in Condition no.3 the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto the land in connection with the use shall be removed.
- 5) The amenity blocks shall be constructed in accordance with the drawing 7-9 Moor Drove Amenity Blocks Plan and Elevation and maintained thereafter in accordance with that drawing.
- 6) No vehicle over 3.5 tonne shall be stationed, parked or stored on the site.
- 7) No commercial activities shall take place on the land, including the storage of materials, plant or equipment.
- 8) Landscaping works shall be carried out in accordance with drawing 7-9 Moor Drove Site Plan and Landscape Scheme within the first planting season following this decision. Any trees or plants which die, are removed or become seriously damaged or diseased within 3 years of completion of the landscaping scheme shall be replaced in the following planting season with others of a similar size and species unless the Local Planning Authority gives written approval to any variation.
- 9) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of that use shall be removed within 3 months of the date of failure to meet any of the requirements set out in (i) to (iv) below:
 - i) Within 3 months of the date of this decision, or such other period as the Local Planning Authority may agree in writing, a scheme shall be submitted in writing to the Local Planning Authority for its written approval. The scheme shall include details of the following: the internal layout of the site, which shall accord with drawing 7-9 Moor Drove Site Plan and Landscape Scheme, areas of hardstanding, vehicle parking, fencing, gates, walls and other means of enclosure;

external lighting on the site boundaries and within the site; the means of foul and surface and surface water drainage of the site; tree hedge and shrub planting (including plant species, plant sizes, number, density, seeding or turfing); provision for the storage of waste and recyclables, measures for the restoration of the site to its condition before the development took place should the use hereby approved cease and a timetable for the implementation and retention of each element of the scheme.

- ii) Within 11 months of the date of this decision, the scheme referred to above shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted 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 scheme shall have been finally approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable and the approved scheme shall thereafter apply.



**7-9 Moor Drive
Location Plan**
Scale 1: 2500 at A4

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Date Of Issue: 12 December 2016
Supplied By: Getmapping
Supplier Plan Id: 170653_2500
OS License Number: 100030848
Applicant: Tony Price



Appeal Decisions

Hearing held on 10 January 2024

Site visit made on 9 January 2024

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2024

Appeal A Ref: APP/W0530/W/23/3318839

Plot A1 Moor Drove, Histon, Cambridge, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Arram Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04263/FUL, dated 12 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal B Ref: APP/W0530/W/23/3318840

Plot B2 Moor Drove, Histon, Cambridge, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Jolene Gentle against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04858/FUL, dated 16 November 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal C Ref: APP/W0530/W/23/3318842

Plot C3 Moor Drove, Histon, Cambridge CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Joshua Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04264/FUL, dated 14 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 2 static caravans, day room and parking.
-

Appeal D Ref: APP/W0530/W/23/3318843

Plot D4 Moor Drove, Histon, Cambridge CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Jessie Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04297/FUL, dated 14 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
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Appeal E Ref: APP/W0530/W/23/3318844

Plot E5 Moor Drove, Histon, CAMBRIDGE, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Sarah Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04298/FUL, dated 15 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
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Appeal F Ref: APP/W0530/W/23/3318845

Plot F6 Moor Drove, Histon, CAMBRIDGE, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tony Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04299/FUL, dated 15 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, laundry/shower room and parking.
-

Decision

1. Appeal A is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot A1 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04263/FUL, dated 12 October 2020, subject to the conditions set out in the schedule to this decision notice.
2. Appeal B is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot B2 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04858/FUL, dated 16 November 2020, subject to the conditions set out in the schedule to this decision notice.
3. Appeal C is allowed, and planning permission is granted for change of use from disused land to single site for 2 static caravans, day room and parking at land east of Plot C3 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04264/FUL, dated 14 October 2020, subject to the conditions set out in the schedule to this decision notice.
4. Appeal D is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot D 4 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04297/FUL, dated 14 October 2020, subject to the conditions set out in the schedule to this decision notice.
5. Appeal E is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot E5 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04298/FUL, dated 15 October 2020, subject to the conditions set out in the schedule to this decision notice.

6. Appeal F is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, laundry/shower room and parking at land east of Plot F6 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04299/FUL, dated 15 October 2020, subject to the conditions set out in the schedule to this decision notice.

Preliminary Matters

7. The Government issued a revised version of the Planning Policy for Traveller Sites on the 19 December 2023 (the PPTS). The revision relates to the definition of Gypsies and Travellers contained in Annex 1 of the PPTS updated following recent case law¹. Parties had the opportunity to comment on this prior to the Hearing.
8. Since the application was determined, a revised National Planning Policy Framework (Framework) was published in December 2023. Policies that are material to this decision have not fundamentally changed and I have had regard to the latest version of the Framework and new paragraph numbers in reaching my decision.
9. The six appeals relate to six additional pitches at an established Gypsy and Traveller site of nine authorised pitches² as well as four temporary pitches³. In addition, I saw at my site visit a number of unauthorised pitches including nine which are also the subject of appeals under my consideration⁴ heard at a Hearing on 9 January 2024 and dealt with in a separate decision.
10. The Council has refused the six planning applications the subject of this appeal for the same reasons. I have therefore addressed all the appeals in one decision as most of the issues are the same. I have considered the appeal sites on their own merits and only considered the cumulative impact in association with each other and with those pitches which are authorised on a permanent basis. That is except for the nine pitches which I have considered in a separate Hearing, and which are located either side of the sites the subject of these appeals.
11. At this Hearing only four of the appellants and some of their families were present. In addition, the agent representing the appellants was not present. After seeking views, I heard from the parties present about their Gypsy and Traveller status and their personal circumstances. All parties present agreed that I would progress all the remaining matters, including the personal circumstances and status of the absent appellants, amongst others, by written representations with all parties. I have taken account of the responses received in my decisions.
12. It was confirmed at the Hearing that the appellants and their families had been living at the appeal sites for some time. It was clear at my site visit that the pitches had already been provided. However, the layout of each is different to how the proposal is shown on the submitted site layout plans, in terms of the location of the mobile homes and the provision of amenity buildings. The

¹ *Smith v SSLUHC & Ors [2022] EWCA (the Lisa Smith judgement)*

² APP/W0530/08/2067087 & APP/W0530/W/17/3183666

³ APP/W0530/23/3317545 (the 2023 decision)

⁴ APP/W0530/W/23/3322128 & APP/W0530/W/23/3322185

development is still essentially a proposal in the sense that it is far from being completed. What is for my consideration is as shown on the submitted plans and not any alternative development which has, or has alleged, to have taken place. Accordingly, I have considered the appeals on this basis.

13. I had already visited this established Gypsy and Traveller site the day before and seen all these appeal sites as well as the surrounding area. It was agreed at the Hearing that I did not need to revisit, especially given that some of the appellants were absent.

Main Issues

14. The appeal sites are located within the Green Belt and by virtue of paragraph 16 of the PPTS the proposals would be inappropriate development drawing it into conflict with this document. In that context, the main issues for all six appeals are:

- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the purposes of including land within the Green Belt;
- The effect of the proposal on the character and appearance of the area;
- Whether the proposal complies with the requirements of Policy H/22 of the South Cambridgeshire Local Plan 2018; and
- Would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness and Purposes

15. The proposals would see the siting of up to 14 caravans and 6 amenity buildings which would have a spatial and visual impact on openness.
16. However, I saw at my site visit that, due to local topography and the presence of dense field hedgerows, visibility into the site from public vantage points is minimal. Therefore in my view the impact on openness is only limited and localised.
17. The caravans and buildings would be single storey with a modest mass within large plots with space around the structures. Nevertheless, they would lead to a loss of spatial openness which would have a significant adverse effect on openness and, due to the extent of the plots, encroachment into the countryside.
18. Consequently, there would be conflict with Policy NH/8 of the South Cambridgeshire Local Plan 2018 (Local Plan) which requires development in the Green Belt not to have an adverse effect on openness. The proposals would also be contrary to the fundamental aim of Green Belt policy contained in the Framework to prevent urban sprawl by keeping land permanently open and one of the purposes to assist in safeguarding the countryside from encroachment.

The proposals would not conflict with any of the other purposes of the Green Belt.

Character and appearance

19. The area within which the appeal sites are located is largely open fields with well-defined boundaries comprising hedgerows and trees. Since at least 2008 when planning permission was granted for 6 of the authorised pitches there have been caravans on the site and these form part of the established character laid out in an L shape around access roads and comprising caravans, amenity buildings and surface storage on hardstanding.
20. The six appeal sites would be seen within the context of the existing pitches being located around a central access road with three pitches on either side, extending no further into the countryside to the east than those authorised pitches to the south. While they would increase the developed area leading to a loss of open field, they would not breach the existing field line maintaining the integrity of the field structure. Furthermore, they would not be visible from public vantage points due to the existing landscape screening. I appreciate that a substantial belt of trees to the west has been removed. However, any views to the appeal sites from this location would be screened by the existing authorised pitches to the west.
21. As well as the six plots in isolation, I have also considered them cumulatively with each other, the authorised plots and those that I am considering under the separate appeals. It is true that the plots as a whole, both authorised permanently and unauthorised, would cover a large area of countryside. However, together they would still be contained within an existing field boundary and would not be visible from any public vantage points. The structures would be of a similar character and single storey with space around them, integrating with the existing authorised development.
22. Some planting could help effectively integrate the additional plots, however in my view the containment of the site in the context of the authorised development means that it is only the loss of part of the open field that would lead to minor harm to the character and appearance of the area, whether considered in isolation or cumulatively. However, this would result in the proposals not preserving or enhancing the character of the local rural area as required by Policy HQ/1 of the Local Plan. Furthermore they would have an adverse effect on the rural character of the Green Belt contrary to Policy NH/8 of the Local Plan.
23. The Council also refers to Policy NH/9 of the Local Plan. However, this refers to the redevelopment of previously developed sites and infilling of the Green Belt, neither of which is the case here.
24. I realise that I have found a different level of harm to that of the Inspector in the 2023 decision. However, that decision was in respect of pitches which are set apart from the authorised pitches with no direct relationship with them which is different to those proposed in the six appeals before me now.

Policy H/22

25. Policy H/22 of the Local Plan is regarding proposals for Gypsies and Traveller sites on unallocated land outside of development frameworks. Planning permission will only be granted outside development frameworks and the Green Belt where it meets a number of criteria.
26. Sites within the Green Belt would need to comply with local and national policy and if considered acceptable would also need to comply with the criteria in the Policy. Although not contained in the Council's reason for refusal, in its statement of case the Council allege conflict with criteria b, c, d, f and g.

Accessibility (b)

27. The appeal sites are close to the settlements of Histon and Cottenham which have a range of services and facilities providing for the day to day needs of residents. There is a bus service which would give access to the settlements from the appeal sites. The Council's primary concern is the lack of streetlighting along the footway which leads from the appeal sites to the villages. It is true this would make the journey on foot or cycle uninviting in the dark. However, I am also mindful that Policy C of the PPTS recognises that sites may need to be located in rural areas and the countryside. In addition, the occupants, would by definition travel by caravan pulled by a vehicle. Although in the open countryside, this site is only a very short car journey to Histon and Cottenham. I am satisfied therefore that there is no conflict with this criterion.

Pressure on services and facilities (c)

28. No evidence was presented by the Council to suggest that local services were under pressure. I am aware that the residents have been on site for a number of years and are registered with local health facilities. On the evidence before me therefore there is nothing substantive to indicate that the needs of residents could not be met appropriately by local facilities and services.

Number and nature of pitches (d)

29. I consider that the number and nature of the pitches is appropriate to the site size and location given my findings above regarding the character and appearance of the area. The consideration of whether it is inappropriate with respect to the Green Belt designation is a separate matter. To say that the pitches are not appropriate because the development is inappropriate in the Green Belt, as the Council does in its office report, would mean that this criterion could never be met.

Domination of nearest settled community (f)

30. I saw that Histon and Cottenham, between which the appeal sites are located are large villages. In comparison, the cumulative size of the gypsy and Traveller site with these appeal sites is negligible in this context, and it is located a reasonable distance from the settlements to ensure that there would be no dominance. In addition I have seen no evidence that the everyday needs of the residents would be to an extent to swamp local services and facilities. I am satisfied therefore that this criterion is met.

31. The Council suggested that this criterion is similar to criterion (g) regarding the unacceptable adverse impact on the countryside and landscape character. However, in my view these two elements are separate considerations, one regarding the relationship with surrounding settled communities and the other the impact on the character and appearance.

Countryside and landscape character (g)

32. I have already found that the proposal will only have a minor harmful effect on the character and appearance of the area due to the loss of an open field. I do not consider given my findings that this would be to the extent of having an unacceptable adverse impact on the countryside and landscape character within the context of this policy given the existing structures on site, the lack of visibility and the retention of field patterns.

33. Therefore, for the reasons above I conclude that the proposals meet criteria b, c, d, f and g of Policy H/22. The Council also allege conflict with criteria a which relates to the need for pitches and availability of alternatives which I consider below.

Other Considerations

Need for pitches

34. I have before me two recent appeal decisions regarding Gypsy and Traveller sites within the District⁵. Both Inspectors found that the Council could not demonstrate an adequate supply of sites to meet the needs of ethnic Gypsies and Travellers and the level of unmet need is substantial. The Council agreed in writing that this remains the position and there is no evidence which would lead me to a different conclusion. I give the unmet need substantial weight.

Alternative sites

35. The Inspectors on the two recent appeal decisions also found that there are no vacant pitches on existing lawful sites and that the public sites are full with long waiting lists. The Council also confirmed in writing that this situation has not changed. This is reiterated in correspondence from the Gypsy and Traveller Liaison Officer (GTLO) stating that in the last seven years only 2 pitches have become available on the Council owned sites with 40-50 applications being made per pitch. Although, the appellants have not provided any details of a search for other sites where they could live, it is apparent from the evidence before me, that there is a lack of alternative sites.

36. The Council confirmed in writing that the timescale for the emerging local plan would be adoption in 2026 but that was not guaranteed, and it would be likely to make allocations in accordance with a new GTAA which has been commissioned. However, this is sometime in the future, and I give the lack of suitable and available alternative sites considerable weight.

37. Whilst this is a case of intentional unauthorised development, given the lack of alternative pitches I give this minor weight.

⁵ APP/W0530/W/23/3317545 & APP/W0530/W/23/3318910

38. Given my findings on this and the need for pitches then I am satisfied that the proposals meet the requirements of criterion a of Policy H/22 of the Local Plan.

Personal circumstances

39. The occupiers of the site, which are part of the extended family group of existing residents would be as follows:

Appeal A

- Arram Price and Sharon Smith with two resident dependents

Appeal B

- Jolene Gentle and her eight resident dependents

Appeal C

- Joshua and Sabrina Price and their two resident dependents

Appeal D

- Jessie and Lyla Price and their five resident dependents

Appeal E

- Sarah Price and her 5 resident dependents

Appeal F

- Tony Price and Pamela Piggott and their four resident dependents

40. The appellants who attended the Hearing, and subsequently those in writing, confirmed that all the economically active members of the family travel for work for part of the year as well as attending Appleby Horse Fair. Others remain at home to look after children or others with health needs both within the site and within Histon. I am therefore satisfied that the residents meet the definition of Gypsies and Travellers in the PPTS.

41. I was also presented with evidence regarding medical conditions for residents of Appeal B and Appeal F which required them to have regular GP and hospital appointments. All residents across the six plots are registered with local health facilities. A settled base would ensure continuing access to GP and hospital facilities. I therefore give significant weight to the health needs of those residents.

42. Much emphasis is also placed on the need for the extended family to be together to provide mutual support. The GTLO reports that the Moor Drove site is well established and the residents settled. The majority are from the extended family of the Prices. The family members rely on each other for support, childminding, health needs and employment. There is a very positive family dynamic. There are complex and extensive personal circumstances which means the residents rely on each other for support. This is not disputed and matches the compelling evidence I saw and heard.

43. It was also confirmed at the Hearing that the children across the four sites attend the local school or nursery school. Those living on Plot E5 also attend a

local primary school with one at pre-school. Those on plot A1 are home schooled.

44. Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. The children's best interests are a primary consideration. The best interests of the children would be served by the families continuing to reside at their long-established home and business base. Their needs are being met presently at this base. Should the appeal be dismissed, and the families required to vacate the site, they would be forced to either lead a roadside existence or double-up on pitches elsewhere. This would inevitably impact negatively on the children's education and wellbeing. In addition the loss of the mutual support provided by the extended family would also have a negative impact on the children's wellbeing. The best interests of the children is a factor that attracts significant weight.

Other Matters

45. The Council refers to Policies H/20 and H/21 of the Local Plan in its first reason for refusal. However, Policy H/20 allows for the safeguarding of sites with unrestricted planning permission for Gypsies and Travellers. The proposal would not conflict with that requirement. Policy H/21 states that if a need is identified for sites, then they will be sought as part of large scale new communities and significant major development sites. While the proposals before me would form an extension to a standalone site, I was not advised of any opportunity for sites as proposed under this policy to meet the identified need. Therefore neither policy has been determinative.

Whether the harm is clearly outweighed by other considerations

46. I have found that the development is inappropriate within the Green Belt and causes significant adverse harm to the openness and purposes of the Green Belt. These attract substantial weight. The development is also a case of intentional unauthorised development. However, given the circumstances I outline above this carries minor weight. The proposals would also cause minor harm to the character and appearance of the area which carries minor weight.
47. Set against this, I have found that there continues to be an unmet need within the District. In addition, the Council is unable to demonstrate an adequate supply and there are no alternative or available sites for the appellant and their family to move to. It is uncertain when any would be available in the future. Furthermore, it would be in the best interests of the children to remain on the appeal site.
48. I have had regard to the PPTS that states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances. The site would be occupied by a number of children having regard to Article 8 of the European Convention on Human Rights. If the appeals were to be dismissed then the families would revert to a roadside existence, where it would be difficult for the children to access facilities and support. I consider the best interest of the children would be to remain on the sites with access to educational and health facilities as well as support from

extended family. This would provide a safe and secure base to access facilities, which, due to a lack of alternative sites, is not available elsewhere.

49. Therefore, in this instance, the matters I have identified above together, including the best interests of the child in all appeals, carry very great weight such that they clearly outweigh the harm to the Green Belt and other harm. Looking at the cases as a whole, I consider that very special circumstances exist which justify the development. As such there would be no conflict with the requirements of the Framework.
50. As the proposals would meet Green Belt policy, then the requirements of Policy H/22 are met and there would be no conflict in this respect. However, there would still be conflict with policies NH/8 and HQ1 of the Local Plan drawing them into conflict with the development plan as a whole. However, the material considerations I outline above, including the Framework, are sufficient to outweigh that conflict in this instance.

Conditions

51. The Council suggested a number of conditions for the appeals prior to the Hearing I sought comments from the appellants in writing and have taken the response into account. I have had regard to those conditions and considered them against the tests in the Framework and the advice in the Planning Practise Guidance (PPG), making such amendments as necessary to comply with those documents.
52. A condition restricting the development to be carried out in accordance with the approved plans is necessary to provide certainty. As development has commenced then a condition giving a timescale for commencement is not necessary.
53. There is justification for the sites to be occupied by Gypsies and Travellers to safeguard the supply of the sites for this purpose and as such a condition is necessary to restrict occupation. A personal condition is also necessary as although there is an outstanding need for Gypsy and Traveller pitches, the justification for the pitches being in this Green Belt location relates to the personal circumstances of the appellants and the particular supportive relationships with the residents of the authorised pitches.
54. It is necessary to restrict the number of pitches and caravans to protect the character and appearance of the area. It is also reasonable to impose a condition to ensure that commercial activities do not take place on the sites and no vehicle over 3.5 tonnes is stationed, parked, or stored on the sites to protect the character of the area and residents' living conditions.
55. Although I have considered the development on the basis of the submitted plans, a condition is imposed to ensure that details of the internal layout of the sites, means of foul and surface water drainage, external lighting and hard and soft landscaping are submitted, implemented and maintained to give the Council certainty as to how the development is implemented on the sites in an acceptable way and within a timely manner. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the matters outlined in this condition before the

development commences. The condition will ensure that the development can be enforced against if the details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

56. The appellants asked for a condition allowing the use to be transferable to other members of their own family. I understand that family relationships on the site are close, however I have determined these appeals based on the evidence before me for each plot and the requirements of those families are part of the reason that the very special circumstances exist to outweigh the harm to the Green Belt. I cannot be certain that the same would be the case for other members of the family.

57. The Council has requested a condition restricting the use of the appeal site for five years as per the most recent appeal decision. However, as I have explained, that appeal site has a different relationship to the authorised pitches to those I am considering now and therefore there is no need for a temporary consent.

Conclusion

58. For the reasons given above I conclude that all six appeals should be allowed.

Zoe Raygen

INSPECTOR

APPEARANCES FOR APPEALS B, C, D and F
FOR THE LOCAL PLANNING AUTHORITY

Phoebe Carter	Senior Planning Officer, South Cambridgeshire District Council
Amy Stocks	Senior Planning Officer, South Cambridgeshire District Council
Dean Scrivenor	Principal Planning Officer, South Cambridgeshire District Council

FOR THE APPELLANT

Jolene Gentle	Appellant
Joshua Price	Appellant
Jessie Price	Appellant
Pamelyn Piggott	Appellant's relative
Tony Price	Appellant

CONDITIONS APPEAL A

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such,
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Arram Price and Sharon Smith and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:

- i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
- ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL B

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Jolene Gentle and her resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

CONDITIONS APPEAL C

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than four caravans, shall be stationed at any time, of which only two shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Joshua and Sabrina Price and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.

- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined,

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL D

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Jessie and Lyla Price and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 - 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 - 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of

- landscape maintenance for a period of 5 years following initial planting;
 - 3. the means of foul and surface water drainage of the site; and
 - 4. a timetable for the implementation for the Site Development Scheme.
- v) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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.
 - vi) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - vii) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

CONDITIONS APPEAL E

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans; block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Sarah Price and her resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:

- i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
- ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL F

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of

an organised group of travelling showpeople or circus people travelling together as such.

- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Tony Price and Pamela Pyggott and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

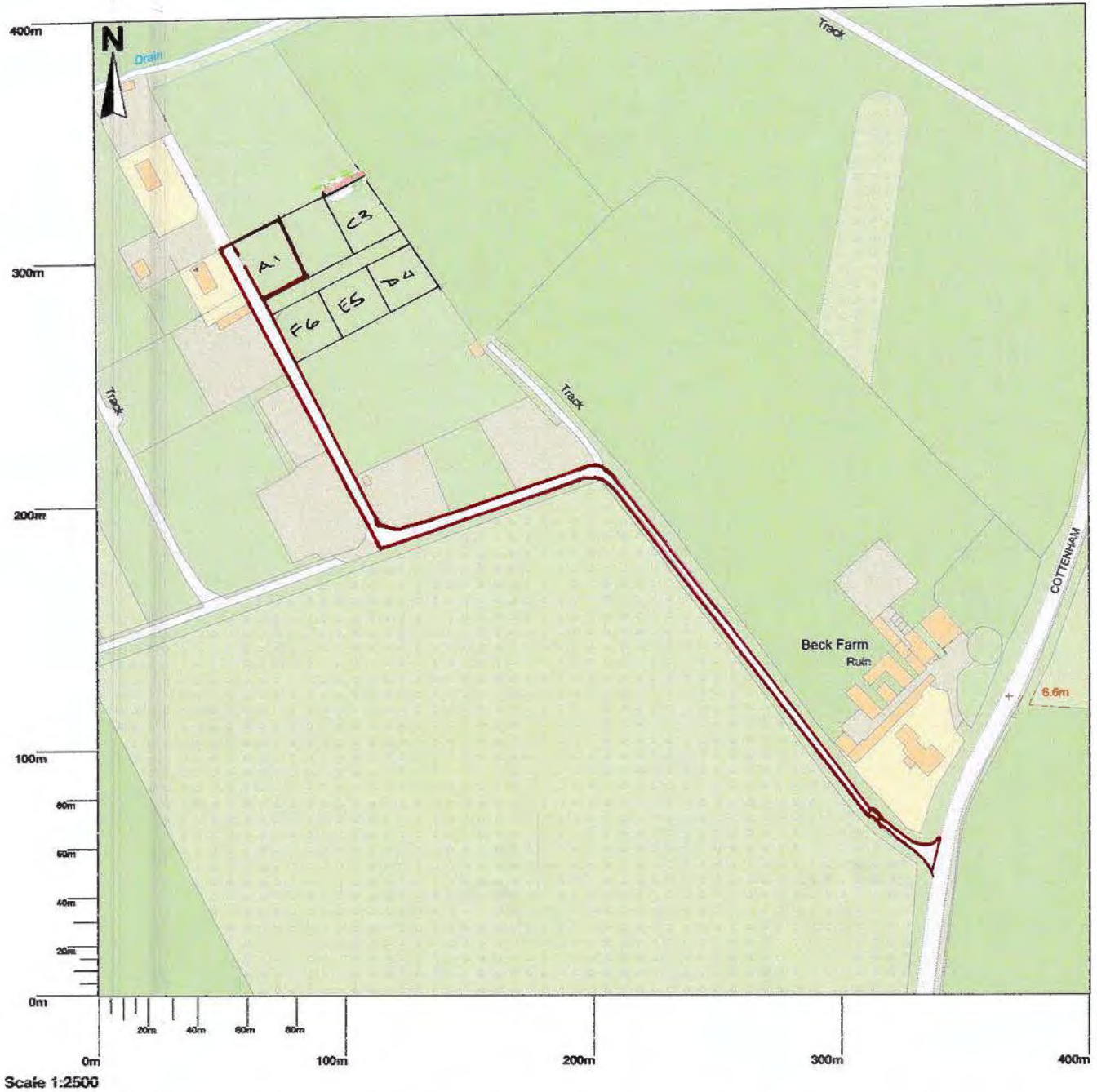
In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.

- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

*****END OF CONDITIONS*****



4 Moor Drove, Histon, Cambridge, CB24 9AN



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Appeal Decisions

Hearing held on 10 January 2024

Site visit made on 9 January 2024

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2024

Appeal A Ref: APP/W0530/W/23/3318839

Plot A1 Moor Drove, Histon, Cambridge, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Arram Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04263/FUL, dated 12 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal B Ref: APP/W0530/W/23/3318840

Plot B2 Moor Drove, Histon, Cambridge, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Jolene Gentle against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04858/FUL, dated 16 November 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal C Ref: APP/W0530/W/23/3318842

Plot C3 Moor Drove, Histon, Cambridge CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Joshua Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04264/FUL, dated 14 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 2 static caravans, day room and parking.
-

Appeal D Ref: APP/W0530/W/23/3318843

Plot D4 Moor Drove, Histon, Cambridge CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Jessie Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04297/FUL, dated 14 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal E Ref: APP/W0530/W/23/3318844

Plot E5 Moor Drove, Histon, CAMBRIDGE, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Sarah Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04298/FUL, dated 15 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal F Ref: APP/W0530/W/23/3318845

Plot F6 Moor Drove, Histon, CAMBRIDGE, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tony Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04299/FUL, dated 15 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, laundry/shower room and parking.
-

Decision

1. Appeal A is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot A1 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04263/FUL, dated 12 October 2020, subject to the conditions set out in the schedule to this decision notice.
2. Appeal B is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot B2 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04858/FUL, dated 16 November 2020, subject to the conditions set out in the schedule to this decision notice.
3. Appeal C is allowed, and planning permission is granted for change of use from disused land to single site for 2 static caravans, day room and parking at land east of Plot C3 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04264/FUL, dated 14 October 2020, subject to the conditions set out in the schedule to this decision notice.
4. Appeal D is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot D 4 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04297/FUL, dated 14 October 2020, subject to the conditions set out in the schedule to this decision notice.
5. Appeal E is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot E5 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04298/FUL, dated 15 October 2020, subject to the conditions set out in the schedule to this decision notice.

6. Appeal F is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, laundry/shower room and parking at land east of Plot F6 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04299/FUL, dated 15 October 2020, subject to the conditions set out in the schedule to this decision notice.

Preliminary Matters

7. The Government issued a revised version of the Planning Policy for Traveller Sites on the 19 December 2023 (the PPTS). The revision relates to the definition of Gypsies and Travellers contained in Annex 1 of the PPTS updated following recent case law¹. Parties had the opportunity to comment on this prior to the Hearing.
8. Since the application was determined, a revised National Planning Policy Framework (Framework) was published in December 2023. Policies that are material to this decision have not fundamentally changed and I have had regard to the latest version of the Framework and new paragraph numbers in reaching my decision.
9. The six appeals relate to six additional pitches at an established Gypsy and Traveller site of nine authorised pitches² as well as four temporary pitches³. In addition, I saw at my site visit a number of unauthorised pitches including nine which are also the subject of appeals under my consideration⁴ heard at a Hearing on 9 January 2024 and dealt with in a separate decision.
10. The Council has refused the six planning applications the subject of this appeal for the same reasons. I have therefore addressed all the appeals in one decision as most of the issues are the same. I have considered the appeal sites on their own merits and only considered the cumulative impact in association with each other and with those pitches which are authorised on a permanent basis. That is except for the nine pitches which I have considered in a separate Hearing, and which are located either side of the sites the subject of these appeals.
11. At this Hearing only four of the appellants and some of their families were present. In addition, the agent representing the appellants was not present. After seeking views, I heard from the parties present about their Gypsy and Traveller status and their personal circumstances. All parties present agreed that I would progress all the remaining matters, including the personal circumstances and status of the absent appellants, amongst others, by written representations with all parties. I have taken account of the responses received in my decisions.
12. It was confirmed at the Hearing that the appellants and their families had been living at the appeal sites for some time. It was clear at my site visit that the pitches had already been provided. However, the layout of each is different to how the proposal is shown on the submitted site layout plans, in terms of the location of the mobile homes and the provision of amenity buildings. The

¹ *Smith v SSLUHC & Ors [2022] EWCA (the Lisa Smith judgement)*

² APP/W0530/08/2067087 & APP/W0530/W/17/3183666

³ APP/W0530/23/3317545 (the 2023 decision)

⁴ APP/W0530/W/23/3322128 & APP/W0530/W/23/3322185

development is still essentially a proposal in the sense that it is far from being completed. What is for my consideration is as shown on the submitted plans and not any alternative development which has, or has alleged, to have taken place. Accordingly, I have considered the appeals on this basis.

13. I had already visited this established Gypsy and Traveller site the day before and seen all these appeal sites as well as the surrounding area. It was agreed at the Hearing that I did not need to revisit, especially given that some of the appellants were absent.

Main Issues

14. The appeal sites are located within the Green Belt and by virtue of paragraph 16 of the PPTS the proposals would be inappropriate development drawing it into conflict with this document. In that context, the main issues for all six appeals are:

- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the purposes of including land within the Green Belt;
- The effect of the proposal on the character and appearance of the area;
- Whether the proposal complies with the requirements of Policy H/22 of the South Cambridgeshire Local Plan 2018; and
- Would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness and Purposes

15. The proposals would see the siting of up to 14 caravans and 6 amenity buildings which would have a spatial and visual impact on openness.
16. However, I saw at my site visit that, due to local topography and the presence of dense field hedgerows, visibility into the site from public vantage points is minimal. Therefore in my view the impact on openness is only limited and localised.
17. The caravans and buildings would be single storey with a modest mass within large plots with space around the structures. Nevertheless, they would lead to a loss of spatial openness which would have a significant adverse effect on openness and, due to the extent of the plots, encroachment into the countryside.
18. Consequently, there would be conflict with Policy NH/8 of the South Cambridgeshire Local Plan 2018 (Local Plan) which requires development in the Green Belt not to have an adverse effect on openness. The proposals would also be contrary to the fundamental aim of Green Belt policy contained in the Framework to prevent urban sprawl by keeping land permanently open and one of the purposes to assist in safeguarding the countryside from encroachment.

The proposals would not conflict with any of the other purposes of the Green Belt.

Character and appearance

19. The area within which the appeal sites are located is largely open fields with well-defined boundaries comprising hedgerows and trees. Since at least 2008 when planning permission was granted for 6 of the authorised pitches there have been caravans on the site and these form part of the established character laid out in an L shape around access roads and comprising caravans, amenity buildings and surface storage on hardstanding.
20. The six appeal sites would be seen within the context of the existing pitches being located around a central access road with three pitches on either side, extending no further into the countryside to the east than those authorised pitches to the south. While they would increase the developed area leading to a loss of open field, they would not breach the existing field line maintaining the integrity of the field structure. Furthermore, they would not be visible from public vantage points due to the existing landscape screening. I appreciate that a substantial belt of trees to the west has been removed. However, any views to the appeal sites from this location would be screened by the existing authorised pitches to the west.
21. As well as the six plots in isolation, I have also considered them cumulatively with each other, the authorised plots and those that I am considering under the separate appeals. It is true that the plots as a whole, both authorised permanently and unauthorised, would cover a large area of countryside. However, together they would still be contained within an existing field boundary and would not be visible from any public vantage points. The structures would be of a similar character and single storey with space around them, integrating with the existing authorised development.
22. Some planting could help effectively integrate the additional plots, however in my view the containment of the site in the context of the authorised development means that that it is only the loss of part of the open field that would lead to minor harm to the character and appearance of the area, whether considered in isolation or cumulatively. However, this would result in the proposals not preserving or enhancing the character of the local rural area as required by Policy HQ/1 of the Local Plan. Furthermore they would have an adverse effect on the rural character of the Green Belt contrary to Policy NH/8 of the Local Plan.
23. The Council also refers to Policy NH/9 of the Local Plan. However, this refers to the redevelopment of previously developed sites and infilling of the Green Belt, neither of which is the case here.
24. I realise that I have found a different level of harm to that of the Inspector in the 2023 decision. However, that decision was in respect of pitches which are set apart from the authorised pitches with no direct relationship with them which is different to those proposed in the six appeals before me now.

Policy H/22

25. Policy H/22 of the Local Plan is regarding proposals for Gypsies and Traveller sites on unallocated land outside of development frameworks. Planning permission will only be granted outside development frameworks and the Green Belt where it meets a number of criteria.
26. Sites within the Green Belt would need to comply with local and national policy and if considered acceptable would also need to comply with the criteria in the Policy. Although not contained in the Council's reason for refusal, in its statement of case the Council allege conflict with criteria b, c, d, f and g.

Accessibility (b)

27. The appeal sites are close to the settlements of Histon and Cottenham which have a range of services and facilities providing for the day to day needs of residents. There is a bus service which would give access to the settlements from the appeal sites. The Council's primary concern is the lack of streetlighting along the footway which leads from the appeal sites to the villages. It is true this would make the journey on foot or cycle uninviting in the dark. However, I am also mindful that Policy C of the PPTS recognises that sites may need to be located in rural areas and the countryside. In addition, the occupants, would by definition travel by caravan pulled by a vehicle. Although in the open countryside, this site is only a very short car journey to Histon and Cottenham. I am satisfied therefore that there is no conflict with this criterion.

Pressure on services and facilities (c)

28. No evidence was presented by the Council to suggest that local services were under pressure. I am aware that the residents have been on site for a number of years and are registered with local health facilities. On the evidence before me therefore there is nothing substantive to indicate that the needs of residents could not be met appropriately by local facilities and services.

Number and nature of pitches (d)

29. I consider that the number and nature of the pitches is appropriate to the site size and location given my findings above regarding the character and appearance of the area. The consideration of whether it is inappropriate with respect to the Green Belt designation is a separate matter. To say that the pitches are not appropriate because the development is inappropriate in the Green Belt, as the Council does in its office report, would mean that this criterion could never be met.

Domination of nearest settled community (f)

30. I saw that Histon and Cottenham, between which the appeal sites are located are large villages. In comparison, the cumulative size of the gypsy and Traveller site with these appeal sites is negligible in this context, and it is located a reasonable distance from the settlements to ensure that there would be no dominance. In addition I have seen no evidence that the everyday needs of the residents would be to an extent to swamp local services and facilities. I am satisfied therefore that this criterion is met.

31. The Council suggested that this criterion is similar to criterion (g) regarding the unacceptable adverse impact on the countryside and landscape character. However, in my view these two elements are separate considerations, one regarding the relationship with surrounding settled communities and the other the impact on the character and appearance.

Countryside and landscape character (g)

32. I have already found that the proposal will only have a minor harmful effect on the character and appearance of the area due to the loss of an open field. I do not consider given my findings that this would be to the extent of having an unacceptable adverse impact on the countryside and landscape character within the context of this policy given the existing structures on site, the lack of visibility and the retention of field patterns.

33. Therefore, for the reasons above I conclude that the proposals meet criteria b, c, d, f and g of Policy H/22. The Council also allege conflict with criteria a which relates to the need for pitches and availability of alternatives which I consider below.

Other Considerations

Need for pitches

34. I have before me two recent appeal decisions regarding Gypsy and Traveller sites within the District⁵. Both Inspectors found that the Council could not demonstrate an adequate supply of sites to meet the needs of ethnic Gypsies and Travellers and the level of unmet need is substantial. The Council agreed in writing that this remains the position and there is no evidence which would lead me to a different conclusion. I give the unmet need substantial weight.

Alternative sites

35. The Inspectors on the two recent appeal decisions also found that there are no vacant pitches on existing lawful sites and that the public sites are full with long waiting lists. The Council also confirmed in writing that this situation has not changed. This is reiterated in correspondence from the Gypsy and Traveller Liaison Officer (GTLO) stating that in the last seven years only 2 pitches have become available on the Council owned sites with 40-50 applications being made per pitch. Although, the appellants have not provided any details of a search for other sites where they could live, it is apparent from the evidence before me, that there is a lack of alternative sites.

36. The Council confirmed in writing that the timescale for the emerging local plan would be adoption in 2026 but that was not guaranteed, and it would be likely to make allocations in accordance with a new GTAA which has been commissioned. However, this is sometime in the future, and I give the lack of suitable and available alternative sites considerable weight.

37. Whilst this is a case of intentional unauthorised development, given the lack of alternative pitches I give this minor weight.

⁵ APP/W0530/W/23/3317545 & APP/W0530/W/23/3318910

38. Given my findings on this and the need for pitches then I am satisfied that the proposals meet the requirements of criterion a of Policy H/22 of the Local Plan.

Personal circumstances

39. The occupiers of the site, which are part of the extended family group of existing residents would be as follows:

Appeal A

- Arram Price and Sharon Smith with two resident dependents

Appeal B

- Jolene Gentle and her eight resident dependents

Appeal C

- Joshua and Sabrina Price and their two resident dependents

Appeal D

- Jessie and Lyla Price and their five resident dependents

Appeal E

- Sarah Price and her 5 resident dependents

Appeal F

- Tony Price and Pamela Piggott and their four resident dependents

40. The appellants who attended the Hearing, and subsequently those in writing, confirmed that all the economically active members of the family travel for work for part of the year as well as attending Appleby Horse Fair. Others remain at home to look after children or others with health needs both within the site and within Histon. I am therefore satisfied that the residents meet the definition of Gypsies and Travellers in the PPTS.

41. I was also presented with evidence regarding medical conditions for residents of Appeal B and Appeal F which required them to have regular GP and hospital appointments. All residents across the six plots are registered with local health facilities. A settled base would ensure continuing access to GP and hospital facilities. I therefore give significant weight to the health needs of those residents.

42. Much emphasis is also placed on the need for the extended family to be together to provide mutual support. The GTLO reports that the Moor Drove site is well established and the residents settled. The majority are from the extended family of the Prices. The family members rely on each other for support, childminding, health needs and employment. There is a very positive family dynamic. There are complex and extensive personal circumstances which means the residents rely on each other for support. This is not disputed and matches the compelling evidence I saw and heard.

43. It was also confirmed at the Hearing that the children across the four sites attend the local school or nursery school. Those living on Plot E5 also attend a

local primary school with one at pre-school. Those on plot A1 are home schooled.

44. Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. The children's best interests are a primary consideration. The best interests of the children would be served by the families continuing to reside at their long-established home and business base. Their needs are being met presently at this base. Should the appeal be dismissed, and the families required to vacate the site, they would be forced to either lead a roadside existence or double-up on pitches elsewhere. This would inevitably impact negatively on the children's education and wellbeing. In addition the loss of the mutual support provided by the extended family would also have a negative impact on the children's wellbeing. The best interests of the children is a factor that attracts significant weight.

Other Matters

45. The Council refers to Policies H/20 and H/21 of the Local Plan in its first reason for refusal. However, Policy H/20 allows for the safeguarding of sites with unrestricted planning permission for Gypsies and Travellers. The proposal would not conflict with that requirement. Policy H/21 states that if a need is identified for sites, then they will be sought as part of large scale new communities and significant major development sites. While the proposals before me would form an extension to a standalone site, I was not advised of any opportunity for sites as proposed under this policy to meet the identified need. Therefore neither policy has been determinative.

Whether the harm is clearly outweighed by other considerations

46. I have found that the development is inappropriate within the Green Belt and causes significant adverse harm to the openness and purposes of the Green Belt. These attract substantial weight. The development is also a case of intentional unauthorised development. However, given the circumstances I outline above this carries minor weight. The proposals would also cause minor harm to the character and appearance of the area which carries minor weight.
47. Set against this, I have found that there continues to be an unmet need within the District. In addition, the Council is unable to demonstrate an adequate supply and there are no alternative or available sites for the appellant and their family to move to. It is uncertain when any would be available in the future. Furthermore, it would be in the best interests of the children to remain on the appeal site.
48. I have had regard to the PPTS that states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances. The site would be occupied by a number of children having regard to Article 8 of the European Convention on Human Rights. If the appeals were to be dismissed then the families would revert to a roadside existence, where it would be difficult for the children to access facilities and support. I consider the best interest of the children would be to remain on the sites with access to educational and health facilities as well as support from

extended family. This would provide a safe and secure base to access facilities, which, due to a lack of alternative sites, is not available elsewhere.

49. Therefore, in this instance, the matters I have identified above together, including the best interests of the child in all appeals, carry very great weight such that they clearly outweigh the harm to the Green Belt and other harm. Looking at the cases as a whole, I consider that very special circumstances exist which justify the development. As such there would be no conflict with the requirements of the Framework.
50. As the proposals would meet Green Belt policy, then the requirements of Policy H/22 are met and there would be no conflict in this respect. However, there would still be conflict with policies NH/8 and HQ1 of the Local Plan drawing them into conflict with the development plan as a whole. However, the material considerations I outline above, including the Framework, are sufficient to outweigh that conflict in this instance.

Conditions

51. The Council suggested a number of conditions for the appeals prior to the Hearing I sought comments from the appellants in writing and have taken the response into account. I have had regard to those conditions and considered them against the tests in the Framework and the advice in the Planning Practise Guidance (PPG), making such amendments as necessary to comply with those documents.
52. A condition restricting the development to be carried out in accordance with the approved plans is necessary to provide certainty. As development has commenced then a condition giving a timescale for commencement is not necessary.
53. There is justification for the sites to be occupied by Gypsies and Travellers to safeguard the supply of the sites for this purpose and as such a condition is necessary to restrict occupation. A personal condition is also necessary as although there is an outstanding need for Gypsy and Traveller pitches, the justification for the pitches being in this Green Belt location relates to the personal circumstances of the appellants and the particular supportive relationships with the residents of the authorised pitches.
54. It is necessary to restrict the number of pitches and caravans to protect the character and appearance of the area. It is also reasonable to impose a condition to ensure that commercial activities do not take place on the sites and no vehicle over 3.5 tonnes is stationed, parked, or stored on the sites to protect the character of the area and residents' living conditions.
55. Although I have considered the development on the basis of the submitted plans, a condition is imposed to ensure that details of the internal layout of the sites, means of foul and surface water drainage, external lighting and hard and soft landscaping are submitted, implemented and maintained to give the Council certainty as to how the development is implemented on the sites in an acceptable way and within a timely manner. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the matters outlined in this condition before the

development commences. The condition will ensure that the development can be enforced against if the details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

56. The appellants asked for a condition allowing the use to be transferable to other members of their own family. I understand that family relationships on the site are close, however I have determined these appeals based on the evidence before me for each plot and the requirements of those families are part of the reason that the very special circumstances exist to outweigh the harm to the Green Belt. I cannot be certain that the same would be the case for other members of the family.

57. The Council has requested a condition restricting the use of the appeal site for five years as per the most recent appeal decision. However, as I have explained, that appeal site has a different relationship to the authorised pitches to those I am considering now and therefore there is no need for a temporary consent.

Conclusion

58. For the reasons given above I conclude that all six appeals should be allowed.

Zoe Raygen

INSPECTOR

APPEARANCES FOR APPEALS B, C, D and F
FOR THE LOCAL PLANNING AUTHORITY

Phoebe Carter	Senior Planning Officer, South Cambridgeshire District Council
Amy Stocks	Senior Planning Officer, South Cambridgeshire District Council
Dean Scrivenor	Principal Planning Officer, South Cambridgeshire District Council

FOR THE APPELLANT

Jolene Gentle	Appellant
Joshua Price	Appellant
Jessie Price	Appellant
Pamelyn Piggott	Appellant's relative
Tony Price	Appellant

CONDITIONS APPEAL A

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such,
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Arram Price and Sharon Smith and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:

- i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
- ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL B

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Jolene Gentle and her resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

CONDITIONS APPEAL C

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than four caravans, shall be stationed at any time, of which only two shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Joshua and Sabrina Price and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.

- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined,

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL D

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Jessie and Lyla Price and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 - 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 - 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of

- landscape maintenance for a period of 5 years following initial planting;
 - 3. the means of foul and surface water drainage of the site; and
 - 4. a timetable for the implementation for the Site Development Scheme.
- v) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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.
 - vi) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - vii) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

CONDITIONS APPEAL E

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans; block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Sarah Price and her resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:

- i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
- ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL F

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of

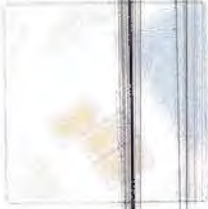
an organised group of travelling showpeople or circus people travelling together as such.

- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Tony Price and Pamela Pyggott and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

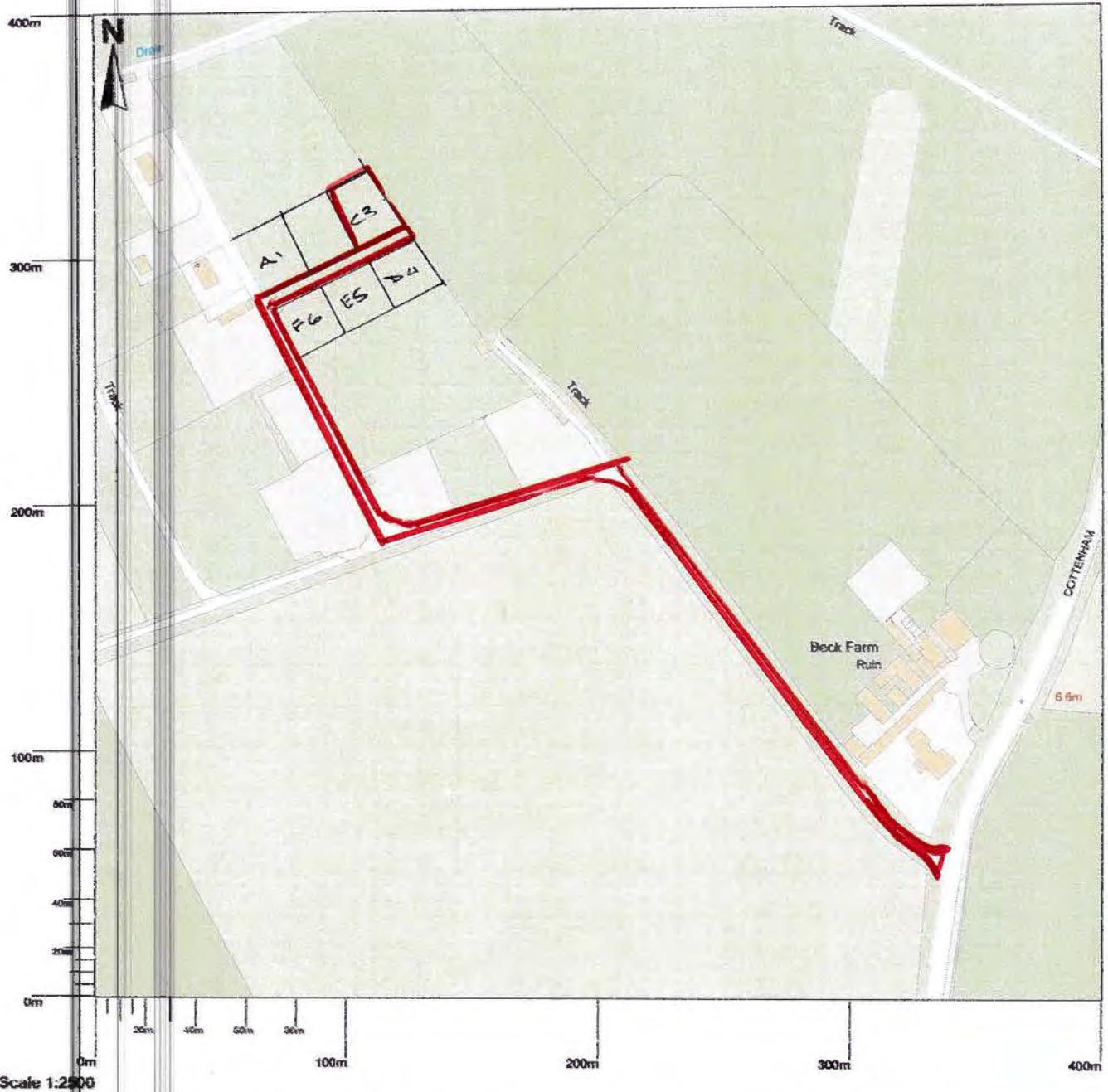
In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.

- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

*****END OF CONDITIONS*****



4 Moor Drove, Histon, Cambridge, CB24 9AN



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Appeal Decisions

Hearing held on 10 January 2024

Site visit made on 9 January 2024

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2024

Appeal A Ref: APP/W0530/W/23/3318839

Plot A1 Moor Drove, Histon, Cambridge, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Arram Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04263/FUL, dated 12 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal B Ref: APP/W0530/W/23/3318840

Plot B2 Moor Drove, Histon, Cambridge, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Jolene Gentle against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04858/FUL, dated 16 November 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal C Ref: APP/W0530/W/23/3318842

Plot C3 Moor Drove, Histon, Cambridge CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Joshua Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04264/FUL, dated 14 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 2 static caravans, day room and parking.
-

Appeal D Ref: APP/W0530/W/23/3318843

Plot D4 Moor Drove, Histon, Cambridge CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Jessie Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04297/FUL, dated 14 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal E Ref: APP/W0530/W/23/3318844

Plot E5 Moor Drove, Histon, CAMBRIDGE, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Sarah Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04298/FUL, dated 15 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal F Ref: APP/W0530/W/23/3318845

Plot F6 Moor Drove, Histon, CAMBRIDGE, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tony Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04299/FUL, dated 15 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, laundry/shower room and parking.
-

Decision

1. Appeal A is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot A1 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04263/FUL, dated 12 October 2020, subject to the conditions set out in the schedule to this decision notice.
2. Appeal B is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot B2 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04858/FUL, dated 16 November 2020, subject to the conditions set out in the schedule to this decision notice.
3. Appeal C is allowed, and planning permission is granted for change of use from disused land to single site for 2 static caravans, day room and parking at land east of Plot C3 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04264/FUL, dated 14 October 2020, subject to the conditions set out in the schedule to this decision notice.
4. Appeal D is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot D 4 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04297/FUL, dated 14 October 2020, subject to the conditions set out in the schedule to this decision notice.
5. Appeal E is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot E5 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04298/FUL, dated 15 October 2020, subject to the conditions set out in the schedule to this decision notice.

6. Appeal F is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, laundry/shower room and parking at land east of Plot F6 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04299/FUL, dated 15 October 2020, subject to the conditions set out in the schedule to this decision notice.

Preliminary Matters

7. The Government issued a revised version of the Planning Policy for Traveller Sites on the 19 December 2023 (the PPTS). The revision relates to the definition of Gypsies and Travellers contained in Annex 1 of the PPTS updated following recent case law¹. Parties had the opportunity to comment on this prior to the Hearing.
8. Since the application was determined, a revised National Planning Policy Framework (Framework) was published in December 2023. Policies that are material to this decision have not fundamentally changed and I have had regard to the latest version of the Framework and new paragraph numbers in reaching my decision.
9. The six appeals relate to six additional pitches at an established Gypsy and Traveller site of nine authorised pitches² as well as four temporary pitches³. In addition, I saw at my site visit a number of unauthorised pitches including nine which are also the subject of appeals under my consideration⁴ heard at a Hearing on 9 January 2024 and dealt with in a separate decision.
10. The Council has refused the six planning applications the subject of this appeal for the same reasons. I have therefore addressed all the appeals in one decision as most of the issues are the same. I have considered the appeal sites on their own merits and only considered the cumulative impact in association with each other and with those pitches which are authorised on a permanent basis. That is except for the nine pitches which I have considered in a separate Hearing, and which are located either side of the sites the subject of these appeals.
11. At this Hearing only four of the appellants and some of their families were present. In addition, the agent representing the appellants was not present. After seeking views, I heard from the parties present about their Gypsy and Traveller status and their personal circumstances. All parties present agreed that I would progress all the remaining matters, including the personal circumstances and status of the absent appellants, amongst others, by written representations with all parties. I have taken account of the responses received in my decisions.
12. It was confirmed at the Hearing that the appellants and their families had been living at the appeal sites for some time. It was clear at my site visit that the pitches had already been provided. However, the layout of each is different to how the proposal is shown on the submitted site layout plans, in terms of the location of the mobile homes and the provision of amenity buildings. The

¹ *Smith v SSLUHC & Ors [2022] EWCA (the Lisa Smith judgement)*

² APP/W0530/08/2067087 & APP/W0530/W/17/3183666

³ APP/W0530/23/3317545 (the 2023 decision)

⁴ APP/W0530/W/23/3322128 & APP/W0530/W/23/3322185

development is still essentially a proposal in the sense that it is far from being completed. What is for my consideration is as shown on the submitted plans and not any alternative development which has, or has alleged, to have taken place. Accordingly, I have considered the appeals on this basis.

13. I had already visited this established Gypsy and Traveller site the day before and seen all these appeal sites as well as the surrounding area. It was agreed at the Hearing that I did not need to revisit, especially given that some of the appellants were absent.

Main Issues

14. The appeal sites are located within the Green Belt and by virtue of paragraph 16 of the PPTS the proposals would be inappropriate development drawing it into conflict with this document. In that context, the main issues for all six appeals are:

- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the purposes of including land within the Green Belt;
- The effect of the proposal on the character and appearance of the area;
- Whether the proposal complies with the requirements of Policy H/22 of the South Cambridgeshire Local Plan 2018; and
- Would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness and Purposes

15. The proposals would see the siting of up to 14 caravans and 6 amenity buildings which would have a spatial and visual impact on openness.
16. However, I saw at my site visit that, due to local topography and the presence of dense field hedgerows, visibility into the site from public vantage points is minimal. Therefore in my view the impact on openness is only limited and localised.
17. The caravans and buildings would be single storey with a modest mass within large plots with space around the structures. Nevertheless, they would lead to a loss of spatial openness which would have a significant adverse effect on openness and, due to the extent of the plots, encroachment into the countryside.
18. Consequently, there would be conflict with Policy NH/8 of the South Cambridgeshire Local Plan 2018 (Local Plan) which requires development in the Green Belt not to have an adverse effect on openness. The proposals would also be contrary to the fundamental aim of Green Belt policy contained in the Framework to prevent urban sprawl by keeping land permanently open and one of the purposes to assist in safeguarding the countryside from encroachment.

The proposals would not conflict with any of the other purposes of the Green Belt.

Character and appearance

19. The area within which the appeal sites are located is largely open fields with well-defined boundaries comprising hedgerows and trees. Since at least 2008 when planning permission was granted for 6 of the authorised pitches there have been caravans on the site and these form part of the established character laid out in an L shape around access roads and comprising caravans, amenity buildings and surface storage on hardstanding.
20. The six appeal sites would be seen within the context of the existing pitches being located around a central access road with three pitches on either side, extending no further into the countryside to the east than those authorised pitches to the south. While they would increase the developed area leading to a loss of open field, they would not breach the existing field line maintaining the integrity of the field structure. Furthermore, they would not be visible from public vantage points due to the existing landscape screening. I appreciate that a substantial belt of trees to the west has been removed. However, any views to the appeal sites from this location would be screened by the existing authorised pitches to the west.
21. As well as the six plots in isolation, I have also considered them cumulatively with each other, the authorised plots and those that I am considering under the separate appeals. It is true that the plots as a whole, both authorised permanently and unauthorised, would cover a large area of countryside. However, together they would still be contained within an existing field boundary and would not be visible from any public vantage points. The structures would be of a similar character and single storey with space around them, integrating with the existing authorised development.
22. Some planting could help effectively integrate the additional plots, however in my view the containment of the site in the context of the authorised development means that it is only the loss of part of the open field that would lead to minor harm to the character and appearance of the area, whether considered in isolation or cumulatively. However, this would result in the proposals not preserving or enhancing the character of the local rural area as required by Policy HQ/1 of the Local Plan. Furthermore they would have an adverse effect on the rural character of the Green Belt contrary to Policy NH/8 of the Local Plan.
23. The Council also refers to Policy NH/9 of the Local Plan. However, this refers to the redevelopment of previously developed sites and infilling of the Green Belt, neither of which is the case here.
24. I realise that I have found a different level of harm to that of the Inspector in the 2023 decision. However, that decision was in respect of pitches which are set apart from the authorised pitches with no direct relationship with them which is different to those proposed in the six appeals before me now.

Policy H/22

25. Policy H/22 of the Local Plan is regarding proposals for Gypsies and Traveller sites on unallocated land outside of development frameworks. Planning permission will only be granted outside development frameworks and the Green Belt where it meets a number of criteria.
26. Sites within the Green Belt would need to comply with local and national policy and if considered acceptable would also need to comply with the criteria in the Policy. Although not contained in the Council's reason for refusal, in its statement of case the Council allege conflict with criteria b, c, d, f and g.

Accessibility (b)

27. The appeal sites are close to the settlements of Histon and Cottenham which have a range of services and facilities providing for the day to day needs of residents. There is a bus service which would give access to the settlements from the appeal sites. The Council's primary concern is the lack of streetlighting along the footway which leads from the appeal sites to the villages. It is true this would make the journey on foot or cycle uninviting in the dark. However, I am also mindful that Policy C of the PPTS recognises that sites may need to be located in rural areas and the countryside. In addition, the occupants, would by definition travel by caravan pulled by a vehicle. Although in the open countryside, this site is only a very short car journey to Histon and Cottenham. I am satisfied therefore that there is no conflict with this criterion.

Pressure on services and facilities (c)

28. No evidence was presented by the Council to suggest that local services were under pressure. I am aware that the residents have been on site for a number of years and are registered with local health facilities. On the evidence before me therefore there is nothing substantive to indicate that the needs of residents could not be met appropriately by local facilities and services.

Number and nature of pitches (d)

29. I consider that the number and nature of the pitches is appropriate to the site size and location given my findings above regarding the character and appearance of the area. The consideration of whether it is inappropriate with respect to the Green Belt designation is a separate matter. To say that the pitches are not appropriate because the development is inappropriate in the Green Belt, as the Council does in its office report, would mean that this criterion could never be met.

Domination of nearest settled community (f)

30. I saw that Histon and Cottenham, between which the appeal sites are located are large villages. In comparison, the cumulative size of the gypsy and Traveller site with these appeal sites is negligible in this context, and it is located a reasonable distance from the settlements to ensure that there would be no dominance. In addition I have seen no evidence that the everyday needs of the residents would be to an extent to swamp local services and facilities. I am satisfied therefore that this criterion is met.

31. The Council suggested that this criterion is similar to criterion (g) regarding the unacceptable adverse impact on the countryside and landscape character. However, in my view these two elements are separate considerations, one regarding the relationship with surrounding settled communities and the other the impact on the character and appearance.

Countryside and landscape character (g)

32. I have already found that the proposal will only have a minor harmful effect on the character and appearance of the area due to the loss of an open field. I do not consider given my findings that this would be to the extent of having an unacceptable adverse impact on the countryside and landscape character within the context of this policy given the existing structures on site, the lack of visibility and the retention of field patterns.

33. Therefore, for the reasons above I conclude that the proposals meet criteria b, c, d, f and g of Policy H/22. The Council also allege conflict with criteria a which relates to the need for pitches and availability of alternatives which I consider below.

Other Considerations

Need for pitches

34. I have before me two recent appeal decisions regarding Gypsy and Traveller sites within the District⁵. Both Inspectors found that the Council could not demonstrate an adequate supply of sites to meet the needs of ethnic Gypsies and Travellers and the level of unmet need is substantial. The Council agreed in writing that this remains the position and there is no evidence which would lead me to a different conclusion. I give the unmet need substantial weight.

Alternative sites

35. The Inspectors on the two recent appeal decisions also found that there are no vacant pitches on existing lawful sites and that the public sites are full with long waiting lists. The Council also confirmed in writing that this situation has not changed. This is reiterated in correspondence from the Gypsy and Traveller Liaison Officer (GTLO) stating that in the last seven years only 2 pitches have become available on the Council owned sites with 40-50 applications being made per pitch. Although, the appellants have not provided any details of a search for other sites where they could live, it is apparent from the evidence before me, that there is a lack of alternative sites.

36. The Council confirmed in writing that the timescale for the emerging local plan would be adoption in 2026 but that was not guaranteed, and it would be likely to make allocations in accordance with a new GTAA which has been commissioned. However, this is sometime in the future, and I give the lack of suitable and available alternative sites considerable weight.

37. Whilst this is a case of intentional unauthorised development, given the lack of alternative pitches I give this minor weight.

⁵ APP/W0530/W/23/3317545 & APP/W0530/W/23/3318910

38. Given my findings on this and the need for pitches then I am satisfied that the proposals meet the requirements of criterion a of Policy H/22 of the Local Plan.

Personal circumstances

39. The occupiers of the site, which are part of the extended family group of existing residents would be as follows:

Appeal A

- Arram Price and Sharon Smith with two resident dependents

Appeal B

- Jolene Gentle and her eight resident dependents

Appeal C

- Joshua and Sabrina Price and their two resident dependents

Appeal D

- Jessie and Lyla Price and their five resident dependents

Appeal E

- Sarah Price and her 5 resident dependents

Appeal F

- Tony Price and Pamela Piggott and their four resident dependents

40. The appellants who attended the Hearing, and subsequently those in writing, confirmed that all the economically active members of the family travel for work for part of the year as well as attending Appleby Horse Fair. Others remain at home to look after children or others with health needs both within the site and within Histon. I am therefore satisfied that the residents meet the definition of Gypsies and Travellers in the PPTS.

41. I was also presented with evidence regarding medical conditions for residents of Appeal B and Appeal F which required them to have regular GP and hospital appointments. All residents across the six plots are registered with local health facilities. A settled base would ensure continuing access to GP and hospital facilities. I therefore give significant weight to the health needs of those residents.

42. Much emphasis is also placed on the need for the extended family to be together to provide mutual support. The GTLO reports that the Moor Drove site is well established and the residents settled. The majority are from the extended family of the Prices. The family members rely on each other for support, childminding, health needs and employment. There is a very positive family dynamic. There are complex and extensive personal circumstances which means the residents rely on each other for support. This is not disputed and matches the compelling evidence I saw and heard.

43. It was also confirmed at the Hearing that the children across the four sites attend the local school or nursery school. Those living on Plot E5 also attend a

local primary school with one at pre-school. Those on plot A1 are home schooled.

44. Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. The children's best interests are a primary consideration. The best interests of the children would be served by the families continuing to reside at their long-established home and business base. Their needs are being met presently at this base. Should the appeal be dismissed, and the families required to vacate the site, they would be forced to either lead a roadside existence or double-up on pitches elsewhere. This would inevitably impact negatively on the children's education and wellbeing. In addition the loss of the mutual support provided by the extended family would also have a negative impact on the children's wellbeing. The best interests of the children is a factor that attracts significant weight.

Other Matters

45. The Council refers to Policies H/20 and H/21 of the Local Plan in its first reason for refusal. However, Policy H/20 allows for the safeguarding of sites with unrestricted planning permission for Gypsies and Travellers. The proposal would not conflict with that requirement. Policy H/21 states that if a need is identified for sites, then they will be sought as part of large scale new communities and significant major development sites. While the proposals before me would form an extension to a standalone site, I was not advised of any opportunity for sites as proposed under this policy to meet the identified need. Therefore neither policy has been determinative.

Whether the harm is clearly outweighed by other considerations

46. I have found that the development is inappropriate within the Green Belt and causes significant adverse harm to the openness and purposes of the Green Belt. These attract substantial weight. The development is also a case of intentional unauthorised development. However, given the circumstances I outline above this carries minor weight. The proposals would also cause minor harm to the character and appearance of the area which carries minor weight.
47. Set against this, I have found that there continues to be an unmet need within the District. In addition, the Council is unable to demonstrate an adequate supply and there are no alternative or available sites for the appellant and their family to move to. It is uncertain when any would be available in the future. Furthermore, it would be in the best interests of the children to remain on the appeal site.
48. I have had regard to the PPTS that states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances. The site would be occupied by a number of children having regard to Article 8 of the European Convention on Human Rights. If the appeals were to be dismissed then the families would revert to a roadside existence, where it would be difficult for the children to access facilities and support. I consider the best interest of the children would be to remain on the sites with access to educational and health facilities as well as support from

extended family. This would provide a safe and secure base to access facilities, which, due to a lack of alternative sites, is not available elsewhere.

49. Therefore, in this instance, the matters I have identified above together, including the best interests of the child in all appeals, carry very great weight such that they clearly outweigh the harm to the Green Belt and other harm. Looking at the cases as a whole, I consider that very special circumstances exist which justify the development. As such there would be no conflict with the requirements of the Framework.
50. As the proposals would meet Green Belt policy, then the requirements of Policy H/22 are met and there would be no conflict in this respect. However, there would still be conflict with policies NH/8 and HQ1 of the Local Plan drawing them into conflict with the development plan as a whole. However, the material considerations I outline above, including the Framework, are sufficient to outweigh that conflict in this instance.

Conditions

51. The Council suggested a number of conditions for the appeals prior to the Hearing I sought comments from the appellants in writing and have taken the response into account. I have had regard to those conditions and considered them against the tests in the Framework and the advice in the Planning Practise Guidance (PPG), making such amendments as necessary to comply with those documents.
52. A condition restricting the development to be carried out in accordance with the approved plans is necessary to provide certainty. As development has commenced then a condition giving a timescale for commencement is not necessary.
53. There is justification for the sites to be occupied by Gypsies and Travellers to safeguard the supply of the sites for this purpose and as such a condition is necessary to restrict occupation. A personal condition is also necessary as although there is an outstanding need for Gypsy and Traveller pitches, the justification for the pitches being in this Green Belt location relates to the personal circumstances of the appellants and the particular supportive relationships with the residents of the authorised pitches.
54. It is necessary to restrict the number of pitches and caravans to protect the character and appearance of the area. It is also reasonable to impose a condition to ensure that commercial activities do not take place on the sites and no vehicle over 3.5 tonnes is stationed, parked, or stored on the sites to protect the character of the area and residents' living conditions.
55. Although I have considered the development on the basis of the submitted plans, a condition is imposed to ensure that details of the internal layout of the sites, means of foul and surface water drainage, external lighting and hard and soft landscaping are submitted, implemented and maintained to give the Council certainty as to how the development is implemented on the sites in an acceptable way and within a timely manner. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the matters outlined in this condition before the

development commences. The condition will ensure that the development can be enforced against if the details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

56. The appellants asked for a condition allowing the use to be transferable to other members of their own family. I understand that family relationships on the site are close, however I have determined these appeals based on the evidence before me for each plot and the requirements of those families are part of the reason that the very special circumstances exist to outweigh the harm to the Green Belt. I cannot be certain that the same would be the case for other members of the family.

57. The Council has requested a condition restricting the use of the appeal site for five years as per the most recent appeal decision. However, as I have explained, that appeal site has a different relationship to the authorised pitches to those I am considering now and therefore there is no need for a temporary consent.

Conclusion

58. For the reasons given above I conclude that all six appeals should be allowed.

Zoe Raygen

INSPECTOR

APPEARANCES FOR APPEALS B, C, D and F
FOR THE LOCAL PLANNING AUTHORITY

Phoebe Carter	Senior Planning Officer, South Cambridgeshire District Council
Amy Stocks	Senior Planning Officer, South Cambridgeshire District Council
Dean Scrivenor	Principal Planning Officer, South Cambridgeshire District Council

FOR THE APPELLANT

Jolene Gentle	Appellant
Joshua Price	Appellant
Jessie Price	Appellant
Pamelyn Piggott	Appellant's relative
Tony Price	Appellant

CONDITIONS APPEAL A

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such,
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Arram Price and Sharon Smith and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:

- i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
- ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL B

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Jolene Gentle and her resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

CONDITIONS APPEAL C

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than four caravans, shall be stationed at any time, of which only two shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Joshua and Sabrina Price and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.

- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined,

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL D

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Jessie and Lyla Price and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 - 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 - 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of

- landscape maintenance for a period of 5 years following initial planting;
 - 3. the means of foul and surface water drainage of the site; and
 - 4. a timetable for the implementation for the Site Development Scheme.
- v) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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.
 - vi) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - vii) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

CONDITIONS APPEAL E

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans; block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Sarah Price and her resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:

- i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
- ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL F

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of

an organised group of travelling showpeople or circus people travelling together as such.

- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Tony Price and Pamela Pygott and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.

- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

*****END OF CONDITIONS*****



4 Moor Drove, Histon, Cambridge, CB24 9AN



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Appeal Decisions

Hearing held on 10 January 2024

Site visit made on 9 January 2024

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2024

Appeal A Ref: APP/W0530/W/23/3318839

Plot A1 Moor Drove, Histon, Cambridge, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Arram Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04263/FUL, dated 12 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal B Ref: APP/W0530/W/23/3318840

Plot B2 Moor Drove, Histon, Cambridge, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Jolene Gentle against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04858/FUL, dated 16 November 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal C Ref: APP/W0530/W/23/3318842

Plot C3 Moor Drove, Histon, Cambridge CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Joshua Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04264/FUL, dated 14 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 2 static caravans, day room and parking.
-

Appeal D Ref: APP/W0530/W/23/3318843

Plot D4 Moor Drove, Histon, Cambridge CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Jessie Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04297/FUL, dated 14 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal E Ref: APP/W0530/W/23/3318844

Plot E5 Moor Drove, Histon, CAMBRIDGE, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Sarah Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04298/FUL, dated 15 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal F Ref: APP/W0530/W/23/3318845

Plot F6 Moor Drove, Histon, CAMBRIDGE, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tony Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04299/FUL, dated 15 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, laundry/shower room and parking.
-

Decision

1. Appeal A is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot A1 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04263/FUL, dated 12 October 2020, subject to the conditions set out in the schedule to this decision notice.
2. Appeal B is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot B2 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04858/FUL, dated 16 November 2020, subject to the conditions set out in the schedule to this decision notice.
3. Appeal C is allowed, and planning permission is granted for change of use from disused land to single site for 2 static caravans, day room and parking at land east of Plot C3 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04264/FUL, dated 14 October 2020, subject to the conditions set out in the schedule to this decision notice.
4. Appeal D is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot D 4 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04297/FUL, dated 14 October 2020, subject to the conditions set out in the schedule to this decision notice.
5. Appeal E is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot E5 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04298/FUL, dated 15 October 2020, subject to the conditions set out in the schedule to this decision notice.

6. Appeal F is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, laundry/shower room and parking at land east of Plot F6 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04299/FUL, dated 15 October 2020, subject to the conditions set out in the schedule to this decision notice.

Preliminary Matters

7. The Government issued a revised version of the Planning Policy for Traveller Sites on the 19 December 2023 (the PPTS). The revision relates to the definition of Gypsies and Travellers contained in Annex 1 of the PPTS updated following recent case law¹. Parties had the opportunity to comment on this prior to the Hearing.
8. Since the application was determined, a revised National Planning Policy Framework (Framework) was published in December 2023. Policies that are material to this decision have not fundamentally changed and I have had regard to the latest version of the Framework and new paragraph numbers in reaching my decision.
9. The six appeals relate to six additional pitches at an established Gypsy and Traveller site of nine authorised pitches² as well as four temporary pitches³. In addition, I saw at my site visit a number of unauthorised pitches including nine which are also the subject of appeals under my consideration⁴ heard at a Hearing on 9 January 2024 and dealt with in a separate decision.
10. The Council has refused the six planning applications the subject of this appeal for the same reasons. I have therefore addressed all the appeals in one decision as most of the issues are the same. I have considered the appeal sites on their own merits and only considered the cumulative impact in association with each other and with those pitches which are authorised on a permanent basis. That is except for the nine pitches which I have considered in a separate Hearing, and which are located either side of the sites the subject of these appeals.
11. At this Hearing only four of the appellants and some of their families were present. In addition, the agent representing the appellants was not present. After seeking views, I heard from the parties present about their Gypsy and Traveller status and their personal circumstances. All parties present agreed that I would progress all the remaining matters, including the personal circumstances and status of the absent appellants, amongst others, by written representations with all parties. I have taken account of the responses received in my decisions.
12. It was confirmed at the Hearing that the appellants and their families had been living at the appeal sites for some time. It was clear at my site visit that the pitches had already been provided. However, the layout of each is different to how the proposal is shown on the submitted site layout plans, in terms of the location of the mobile homes and the provision of amenity buildings. The

¹ *Smith v SSLUHC & Ors [2022] EWCA (the Lisa Smith judgement)*

² APP/W0530/08/2067087 & APP/W0530/W/17/3183666

³ APP/W0530/23/3317545 (the 2023 decision)

⁴ APP/W0530/W/23/3322128 & APP/W0530/W/23/3322185

development is still essentially a proposal in the sense that it is far from being completed. What is for my consideration is as shown on the submitted plans and not any alternative development which has, or has alleged, to have taken place. Accordingly, I have considered the appeals on this basis.

13. I had already visited this established Gypsy and Traveller site the day before and seen all these appeal sites as well as the surrounding area. It was agreed at the Hearing that I did not need to revisit, especially given that some of the appellants were absent.

Main Issues

14. The appeal sites are located within the Green Belt and by virtue of paragraph 16 of the PPTS the proposals would be inappropriate development drawing it into conflict with this document. In that context, the main issues for all six appeals are:
- The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the purposes of including land within the Green Belt;
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal complies with the requirements of Policy H/22 of the South Cambridgeshire Local Plan 2018; and
 - Would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness and Purposes

15. The proposals would see the siting of up to 14 caravans and 6 amenity buildings which would have a spatial and visual impact on openness.
16. However, I saw at my site visit that, due to local topography and the presence of dense field hedgerows, visibility into the site from public vantage points is minimal. Therefore in my view the impact on openness is only limited and localised.
17. The caravans and buildings would be single storey with a modest mass within large plots with space around the structures. Nevertheless, they would lead to a loss of spatial openness which would have a significant adverse effect on openness and, due to the extent of the plots, encroachment into the countryside.
18. Consequently, there would be conflict with Policy NH/8 of the South Cambridgeshire Local Plan 2018 (Local Plan) which requires development in the Green Belt not to have an adverse effect on openness. The proposals would also be contrary to the fundamental aim of Green Belt policy contained in the Framework to prevent urban sprawl by keeping land permanently open and one of the purposes to assist in safeguarding the countryside from encroachment.

The proposals would not conflict with any of the other purposes of the Green Belt.

Character and appearance

19. The area within which the appeal sites are located is largely open fields with well-defined boundaries comprising hedgerows and trees. Since at least 2008 when planning permission was granted for 6 of the authorised pitches there have been caravans on the site and these form part of the established character laid out in an L shape around access roads and comprising caravans, amenity buildings and surface storage on hardstanding.
20. The six appeal sites would be seen within the context of the existing pitches being located around a central access road with three pitches on either side, extending no further into the countryside to the east than those authorised pitches to the south. While they would increase the developed area leading to a loss of open field, they would not breach the existing field line maintaining the integrity of the field structure. Furthermore, they would not be visible from public vantage points due to the existing landscape screening. I appreciate that a substantial belt of trees to the west has been removed. However, any views to the appeal sites from this location would be screened by the existing authorised pitches to the west.
21. As well as the six plots in isolation, I have also considered them cumulatively with each other, the authorised plots and those that I am considering under the separate appeals. It is true that the plots as a whole, both authorised permanently and unauthorised, would cover a large area of countryside. However, together they would still be contained within an existing field boundary and would not be visible from any public vantage points. The structures would be of a similar character and single storey with space around them, integrating with the existing authorised development.
22. Some planting could help effectively integrate the additional plots, however in my view the containment of the site in the context of the authorised development means that it is only the loss of part of the open field that would lead to minor harm to the character and appearance of the area, whether considered in isolation or cumulatively. However, this would result in the proposals not preserving or enhancing the character of the local rural area as required by Policy HQ/1 of the Local Plan. Furthermore they would have an adverse effect on the rural character of the Green Belt contrary to Policy NH/8 of the Local Plan.
23. The Council also refers to Policy NH/9 of the Local Plan. However, this refers to the redevelopment of previously developed sites and infilling of the Green Belt, neither of which is the case here.
24. I realise that I have found a different level of harm to that of the Inspector in the 2023 decision. However, that decision was in respect of pitches which are set apart from the authorised pitches with no direct relationship with them which is different to those proposed in the six appeals before me now.

Policy H/22

25. Policy H/22 of the Local Plan is regarding proposals for Gypsies and Traveller sites on unallocated land outside of development frameworks. Planning permission will only be granted outside development frameworks and the Green Belt where it meets a number of criteria.
26. Sites within the Green Belt would need to comply with local and national policy and if considered acceptable would also need to comply with the criteria in the Policy. Although not contained in the Council's reason for refusal, in its statement of case the Council allege conflict with criteria b, c, d, f and g.

Accessibility (b)

27. The appeal sites are close to the settlements of Histon and Cottenham which have a range of services and facilities providing for the day to day needs of residents. There is a bus service which would give access to the settlements from the appeal sites. The Council's primary concern is the lack of streetlighting along the footway which leads from the appeal sites to the villages. It is true this would make the journey on foot or cycle uninviting in the dark. However, I am also mindful that Policy C of the PPTS recognises that sites may need to be located in rural areas and the countryside. In addition, the occupants, would by definition travel by caravan pulled by a vehicle. Although in the open countryside, this site is only a very short car journey to Histon and Cottenham. I am satisfied therefore that there is no conflict with this criterion.

Pressure on services and facilities (c)

28. No evidence was presented by the Council to suggest that local services were under pressure. I am aware that the residents have been on site for a number of years and are registered with local health facilities. On the evidence before me therefore there is nothing substantive to indicate that the needs of residents could not be met appropriately by local facilities and services.

Number and nature of pitches (d)

29. I consider that the number and nature of the pitches is appropriate to the site size and location given my findings above regarding the character and appearance of the area. The consideration of whether it is inappropriate with respect to the Green Belt designation is a separate matter. To say that the pitches are not appropriate because the development is inappropriate in the Green Belt, as the Council does in its office report, would mean that this criterion could never be met.

Domination of nearest settled community (f)

30. I saw that Histon and Cottenham, between which the appeal sites are located are large villages. In comparison, the cumulative size of the gypsy and Traveller site with these appeal sites is negligible in this context, and it is located a reasonable distance from the settlements to ensure that there would be no dominance. In addition I have seen no evidence that the everyday needs of the residents would be to an extent to swamp local services and facilities. I am satisfied therefore that this criterion is met.

31. The Council suggested that this criterion is similar to criterion (g) regarding the unacceptable adverse impact on the countryside and landscape character. However, in my view these two elements are separate considerations, one regarding the relationship with surrounding settled communities and the other the impact on the character and appearance.

Countryside and landscape character (g)

32. I have already found that the proposal will only have a minor harmful effect on the character and appearance of the area due to the loss of an open field. I do not consider given my findings that this would be to the extent of having an unacceptable adverse impact on the countryside and landscape character within the context of this policy given the existing structures on site, the lack of visibility and the retention of field patterns.

33. Therefore, for the reasons above I conclude that the proposals meet criteria b, c, d, f and g of Policy H/22. The Council also allege conflict with criteria a which relates to the need for pitches and availability of alternatives which I consider below.

Other Considerations

Need for pitches

34. I have before me two recent appeal decisions regarding Gypsy and Traveller sites within the District⁵. Both Inspectors found that the Council could not demonstrate an adequate supply of sites to meet the needs of ethnic Gypsies and Travellers and the level of unmet need is substantial. The Council agreed in writing that this remains the position and there is no evidence which would lead me to a different conclusion. I give the unmet need substantial weight.

Alternative sites

35. The Inspectors on the two recent appeal decisions also found that there are no vacant pitches on existing lawful sites and that the public sites are full with long waiting lists. The Council also confirmed in writing that this situation has not changed. This is reiterated in correspondence from the Gypsy and Traveller Liaison Officer (GTLO) stating that in the last seven years only 2 pitches have become available on the Council owned sites with 40-50 applications being made per pitch. Although, the appellants have not provided any details of a search for other sites where they could live, it is apparent from the evidence before me, that there is a lack of alternative sites.

36. The Council confirmed in writing that the timescale for the emerging local plan would be adoption in 2026 but that was not guaranteed, and it would be likely to make allocations in accordance with a new GTAA which has been commissioned. However, this is sometime in the future, and I give the lack of suitable and available alternative sites considerable weight.

37. Whilst this is a case of intentional unauthorised development, given the lack of alternative pitches I give this minor weight.

⁵ APP/W0530/W/23/3317545 & APP/W0530/W/23/3318910

38. Given my findings on this and the need for pitches then I am satisfied that the proposals meet the requirements of criterion a of Policy H/22 of the Local Plan.

Personal circumstances

39. The occupiers of the site, which are part of the extended family group of existing residents would be as follows:

Appeal A

- Arram Price and Sharon Smith with two resident dependents

Appeal B

- Jolene Gentle and her eight resident dependents

Appeal C

- Joshua and Sabrina Price and their two resident dependents

Appeal D

- Jessie and Lyla Price and their five resident dependents

Appeal E

- Sarah Price and her 5 resident dependents

Appeal F

- Tony Price and Pamela Piggott and their four resident dependents

40. The appellants who attended the Hearing, and subsequently those in writing, confirmed that all the economically active members of the family travel for work for part of the year as well as attending Appleby Horse Fair. Others remain at home to look after children or others with health needs both within the site and within Histon. I am therefore satisfied that the residents meet the definition of Gypsies and Travellers in the PPTS.

41. I was also presented with evidence regarding medical conditions for residents of Appeal B and Appeal F which required them to have regular GP and hospital appointments. All residents across the six plots are registered with local health facilities. A settled base would ensure continuing access to GP and hospital facilities. I therefore give significant weight to the health needs of those residents.

42. Much emphasis is also placed on the need for the extended family to be together to provide mutual support. The GTLO reports that the Moor Drove site is well established and the residents settled. The majority are from the extended family of the Prices. The family members rely on each other for support, childminding, health needs and employment. There is a very positive family dynamic. There are complex and extensive personal circumstances which means the residents rely on each other for support. This is not disputed and matches the compelling evidence I saw and heard.

43. It was also confirmed at the Hearing that the children across the four sites attend the local school or nursery school. Those living on Plot E5 also attend a

local primary school with one at pre-school. Those on plot A1 are home schooled.

44. Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. The children's best interests are a primary consideration. The best interests of the children would be served by the families continuing to reside at their long-established home and business base. Their needs are being met presently at this base. Should the appeal be dismissed, and the families required to vacate the site, they would be forced to either lead a roadside existence or double-up on pitches elsewhere. This would inevitably impact negatively on the children's education and wellbeing. In addition the loss of the mutual support provided by the extended family would also have a negative impact on the children's wellbeing. The best interests of the children is a factor that attracts significant weight.

Other Matters

45. The Council refers to Policies H/20 and H/21 of the Local Plan in its first reason for refusal. However, Policy H/20 allows for the safeguarding of sites with unrestricted planning permission for Gypsies and Travellers. The proposal would not conflict with that requirement. Policy H/21 states that if a need is identified for sites, then they will be sought as part of large scale new communities and significant major development sites. While the proposals before me would form an extension to a standalone site, I was not advised of any opportunity for sites as proposed under this policy to meet the identified need. Therefore neither policy has been determinative.

Whether the harm is clearly outweighed by other considerations

46. I have found that the development is inappropriate within the Green Belt and causes significant adverse harm to the openness and purposes of the Green Belt. These attract substantial weight. The development is also a case of intentional unauthorised development. However, given the circumstances I outline above this carries minor weight. The proposals would also cause minor harm to the character and appearance of the area which carries minor weight.
47. Set against this, I have found that there continues to be an unmet need within the District. In addition, the Council is unable to demonstrate an adequate supply and there are no alternative or available sites for the appellant and their family to move to. It is uncertain when any would be available in the future. Furthermore, it would be in the best interests of the children to remain on the appeal site.
48. I have had regard to the PPTS that states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances. The site would be occupied by a number of children having regard to Article 8 of the European Convention on Human Rights. If the appeals were to be dismissed then the families would revert to a roadside existence, where it would be difficult for the children to access facilities and support. I consider the best interest of the children would be to remain on the sites with access to educational and health facilities as well as support from

extended family. This would provide a safe and secure base to access facilities, which, due to a lack of alternative sites, is not available elsewhere.

49. Therefore, in this instance, the matters I have identified above together, including the best interests of the child in all appeals, carry very great weight such that they clearly outweigh the harm to the Green Belt and other harm. Looking at the cases as a whole, I consider that very special circumstances exist which justify the development. As such there would be no conflict with the requirements of the Framework.
50. As the proposals would meet Green Belt policy, then the requirements of Policy H/22 are met and there would be no conflict in this respect. However, there would still be conflict with policies NH/8 and HQ1 of the Local Plan drawing them into conflict with the development plan as a whole. However, the material considerations I outline above, including the Framework, are sufficient to outweigh that conflict in this instance.

Conditions

51. The Council suggested a number of conditions for the appeals prior to the Hearing I sought comments from the appellants in writing and have taken the response into account. I have had regard to those conditions and considered them against the tests in the Framework and the advice in the Planning Practise Guidance (PPG), making such amendments as necessary to comply with those documents.
52. A condition restricting the development to be carried out in accordance with the approved plans is necessary to provide certainty. As development has commenced then a condition giving a timescale for commencement is not necessary.
53. There is justification for the sites to be occupied by Gypsies and Travellers to safeguard the supply of the sites for this purpose and as such a condition is necessary to restrict occupation. A personal condition is also necessary as although there is an outstanding need for Gypsy and Traveller pitches, the justification for the pitches being in this Green Belt location relates to the personal circumstances of the appellants and the particular supportive relationships with the residents of the authorised pitches.
54. It is necessary to restrict the number of pitches and caravans to protect the character and appearance of the area. It is also reasonable to impose a condition to ensure that commercial activities do not take place on the sites and no vehicle over 3.5 tonnes is stationed, parked, or stored on the sites to protect the character of the area and residents' living conditions.
55. Although I have considered the development on the basis of the submitted plans, a condition is imposed to ensure that details of the internal layout of the sites, means of foul and surface water drainage, external lighting and hard and soft landscaping are submitted, implemented and maintained to give the Council certainty as to how the development is implemented on the sites in an acceptable way and within a timely manner. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the matters outlined in this condition before the

development commences. The condition will ensure that the development can be enforced against if the details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

56. The appellants asked for a condition allowing the use to be transferable to other members of their own family. I understand that family relationships on the site are close, however I have determined these appeals based on the evidence before me for each plot and the requirements of those families are part of the reason that the very special circumstances exist to outweigh the harm to the Green Belt. I cannot be certain that the same would be the case for other members of the family.

57. The Council has requested a condition restricting the use of the appeal site for five years as per the most recent appeal decision. However, as I have explained, that appeal site has a different relationship to the authorised pitches to those I am considering now and therefore there is no need for a temporary consent.

Conclusion

58. For the reasons given above I conclude that all six appeals should be allowed.

Zoe Raygen

INSPECTOR

APPEARANCES FOR APPEALS B, C, D and F
FOR THE LOCAL PLANNING AUTHORITY

Phoebe Carter	Senior Planning Officer, South Cambridgeshire District Council
Amy Stocks	Senior Planning Officer, South Cambridgeshire District Council
Dean Scrivenor	Principal Planning Officer, South Cambridgeshire District Council

FOR THE APPELLANT

Jolene Gentle	Appellant
Joshua Price	Appellant
Jessie Price	Appellant
Pamelyn Piggott	Appellant's relative
Tony Price	Appellant

CONDITIONS APPEAL A

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such,
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Arram Price and Sharon Smith and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:

- i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
- ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL B

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Jolene Gentle and her resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

CONDITIONS APPEAL C

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than four caravans, shall be stationed at any time, of which only two shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Joshua and Sabrina Price and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.

- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined,

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL D

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Jessie and Lyla Price and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 - 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 - 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of

- landscape maintenance for a period of 5 years following initial planting;
 - 3. the means of foul and surface water drainage of the site; and
 - 4. a timetable for the implementation for the Site Development Scheme.
- v) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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.
 - vi) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - vii) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

CONDITIONS APPEAL E

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans; block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Sarah Price and her resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:

- i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
- ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL F

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of

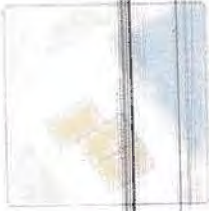
an organised group of travelling showpeople or circus people travelling together as such.

- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Tony Price and Pamela Pyggott and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

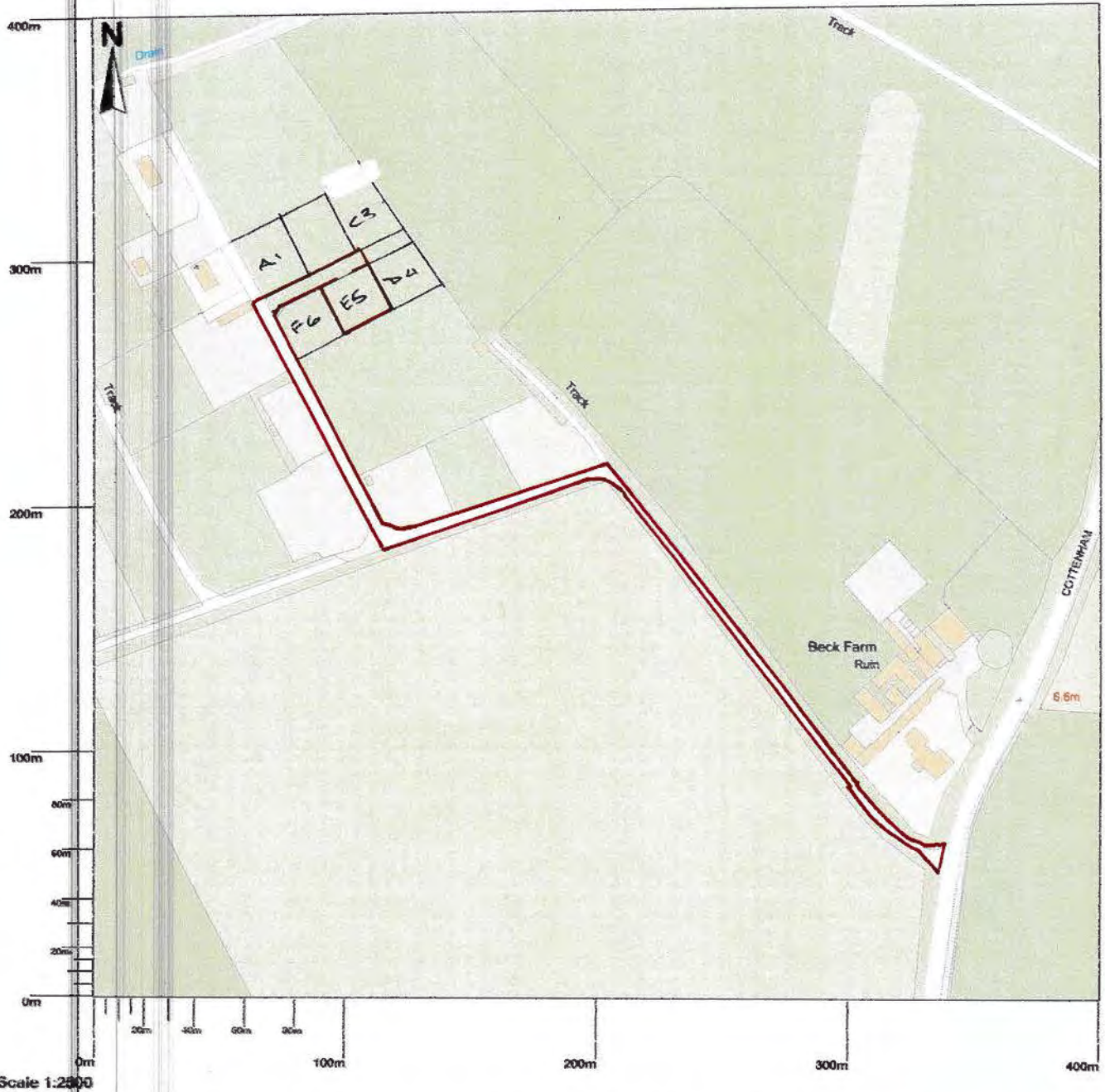
In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.

- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

*****END OF CONDITIONS*****



4 Moor Drove, Histon, Cambridge, CB24 9AN



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Appeal Decisions

Hearing held on 10 January 2024

Site visit made on 9 January 2024

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2024

Appeal A Ref: APP/W0530/W/23/3318839

Plot A1 Moor Drove, Histon, Cambridge, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Arram Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04263/FUL, dated 12 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal B Ref: APP/W0530/W/23/3318840

Plot B2 Moor Drove, Histon, Cambridge, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Jolene Gentle against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04858/FUL, dated 16 November 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal C Ref: APP/W0530/W/23/3318842

Plot C3 Moor Drove, Histon, Cambridge CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Joshua Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04264/FUL, dated 14 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 2 static caravans, day room and parking.
-

Appeal D Ref: APP/W0530/W/23/3318843

Plot D4 Moor Drove, Histon, Cambridge CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Jessie Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04297/FUL, dated 14 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal E Ref: APP/W0530/W/23/3318844

Plot E5 Moor Drove, Histon, CAMBRIDGE, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Sarah Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04298/FUL, dated 15 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal F Ref: APP/W0530/W/23/3318845

Plot F6 Moor Drove, Histon, CAMBRIDGE, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tony Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04299/FUL, dated 15 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, laundry/shower room and parking.
-

Decision

1. Appeal A is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot A1 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04263/FUL, dated 12 October 2020, subject to the conditions set out in the schedule to this decision notice.
2. Appeal B is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot B2 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04858/FUL, dated 16 November 2020, subject to the conditions set out in the schedule to this decision notice.
3. Appeal C is allowed, and planning permission is granted for change of use from disused land to single site for 2 static caravans, day room and parking at land east of Plot C3 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04264/FUL, dated 14 October 2020, subject to the conditions set out in the schedule to this decision notice.
4. Appeal D is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot D 4 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04297/FUL, dated 14 October 2020, subject to the conditions set out in the schedule to this decision notice.
5. Appeal E is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot E5 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04298/FUL, dated 15 October 2020, subject to the conditions set out in the schedule to this decision notice.

6. Appeal F is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, laundry/shower room and parking at land east of Plot F6 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04299/FUL, dated 15 October 2020, subject to the conditions set out in the schedule to this decision notice.

Preliminary Matters

7. The Government issued a revised version of the Planning Policy for Traveller Sites on the 19 December 2023 (the PPTS). The revision relates to the definition of Gypsies and Travellers contained in Annex 1 of the PPTS updated following recent case law¹. Parties had the opportunity to comment on this prior to the Hearing.
8. Since the application was determined, a revised National Planning Policy Framework (Framework) was published in December 2023. Policies that are material to this decision have not fundamentally changed and I have had regard to the latest version of the Framework and new paragraph numbers in reaching my decision.
9. The six appeals relate to six additional pitches at an established Gypsy and Traveller site of nine authorised pitches² as well as four temporary pitches³. In addition, I saw at my site visit a number of unauthorised pitches including nine which are also the subject of appeals under my consideration⁴ heard at a Hearing on 9 January 2024 and dealt with in a separate decision.
10. The Council has refused the six planning applications the subject of this appeal for the same reasons. I have therefore addressed all the appeals in one decision as most of the issues are the same. I have considered the appeal sites on their own merits and only considered the cumulative impact in association with each other and with those pitches which are authorised on a permanent basis. That is except for the nine pitches which I have considered in a separate Hearing, and which are located either side of the sites the subject of these appeals.
11. At this Hearing only four of the appellants and some of their families were present. In addition, the agent representing the appellants was not present. After seeking views, I heard from the parties present about their Gypsy and Traveller status and their personal circumstances. All parties present agreed that I would progress all the remaining matters, including the personal circumstances and status of the absent appellants, amongst others, by written representations with all parties. I have taken account of the responses received in my decisions.
12. It was confirmed at the Hearing that the appellants and their families had been living at the appeal sites for some time. It was clear at my site visit that the pitches had already been provided. However, the layout of each is different to how the proposal is shown on the submitted site layout plans, in terms of the location of the mobile homes and the provision of amenity buildings. The

¹ *Smith v SSLUHC & Ors [2022] EWCA (the Lisa Smith judgement)*

² APP/W0530/08/2067087 & APP/W0530/W/17/3183666

³ APP/W0530/23/3317545 (the 2023 decision)

⁴ APP/W0530/W/23/3322128 & APP/W0530/W/23/3322185

development is still essentially a proposal in the sense that it is far from being completed. What is for my consideration is as shown on the submitted plans and not any alternative development which has, or has alleged, to have taken place. Accordingly, I have considered the appeals on this basis.

13. I had already visited this established Gypsy and Traveller site the day before and seen all these appeal sites as well as the surrounding area. It was agreed at the Hearing that I did not need to revisit, especially given that some of the appellants were absent.

Main Issues

14. The appeal sites are located within the Green Belt and by virtue of paragraph 16 of the PPTS the proposals would be inappropriate development drawing it into conflict with this document. In that context, the main issues for all six appeals are:

- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the purposes of including land within the Green Belt;
- The effect of the proposal on the character and appearance of the area;
- Whether the proposal complies with the requirements of Policy H/22 of the South Cambridgeshire Local Plan 2018; and
- Would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness and Purposes

15. The proposals would see the siting of up to 14 caravans and 6 amenity buildings which would have a spatial and visual impact on openness.
16. However, I saw at my site visit that, due to local topography and the presence of dense field hedgerows, visibility into the site from public vantage points is minimal. Therefore in my view the impact on openness is only limited and localised.
17. The caravans and buildings would be single storey with a modest mass within large plots with space around the structures. Nevertheless, they would lead to a loss of spatial openness which would have a significant adverse effect on openness and, due to the extent of the plots, encroachment into the countryside.
18. Consequently, there would be conflict with Policy NH/8 of the South Cambridgeshire Local Plan 2018 (Local Plan) which requires development in the Green Belt not to have an adverse effect on openness. The proposals would also be contrary to the fundamental aim of Green Belt policy contained in the Framework to prevent urban sprawl by keeping land permanently open and one of the purposes to assist in safeguarding the countryside from encroachment.

The proposals would not conflict with any of the other purposes of the Green Belt.

Character and appearance

19. The area within which the appeal sites are located is largely open fields with well-defined boundaries comprising hedgerows and trees. Since at least 2008 when planning permission was granted for 6 of the authorised pitches there have been caravans on the site and these form part of the established character laid out in an L shape around access roads and comprising caravans, amenity buildings and surface storage on hardstanding.
20. The six appeal sites would be seen within the context of the existing pitches being located around a central access road with three pitches on either side, extending no further into the countryside to the east than those authorised pitches to the south. While they would increase the developed area leading to a loss of open field, they would not breach the existing field line maintaining the integrity of the field structure. Furthermore, they would not be visible from public vantage points due to the existing landscape screening. I appreciate that a substantial belt of trees to the west has been removed. However, any views to the appeal sites from this location would be screened by the existing authorised pitches to the west.
21. As well as the six plots in isolation, I have also considered them cumulatively with each other, the authorised plots and those that I am considering under the separate appeals. It is true that the plots as a whole, both authorised permanently and unauthorised, would cover a large area of countryside. However, together they would still be contained within an existing field boundary and would not be visible from any public vantage points. The structures would be of a similar character and single storey with space around them, integrating with the existing authorised development.
22. Some planting could help effectively integrate the additional plots, however in my view the containment of the site in the context of the authorised development means that it is only the loss of part of the open field that would lead to minor harm to the character and appearance of the area, whether considered in isolation or cumulatively. However, this would result in the proposals not preserving or enhancing the character of the local rural area as required by Policy HQ/1 of the Local Plan. Furthermore they would have an adverse effect on the rural character of the Green Belt contrary to Policy NH/8 of the Local Plan.
23. The Council also refers to Policy NH/9 of the Local Plan. However, this refers to the redevelopment of previously developed sites and infilling of the Green Belt, neither of which is the case here.
24. I realise that I have found a different level of harm to that of the Inspector in the 2023 decision. However, that decision was in respect of pitches which are set apart from the authorised pitches with no direct relationship with them which is different to those proposed in the six appeals before me now.

Policy H/22

25. Policy H/22 of the Local Plan is regarding proposals for Gypsies and Traveller sites on unallocated land outside of development frameworks. Planning permission will only be granted outside development frameworks and the Green Belt where it meets a number of criteria.
26. Sites within the Green Belt would need to comply with local and national policy and if considered acceptable would also need to comply with the criteria in the Policy. Although not contained in the Council's reason for refusal, in its statement of case the Council allege conflict with criteria b, c, d, f and g.

Accessibility (b)

27. The appeal sites are close to the settlements of Histon and Cottenham which have a range of services and facilities providing for the day to day needs of residents. There is a bus service which would give access to the settlements from the appeal sites. The Council's primary concern is the lack of streetlighting along the footway which leads from the appeal sites to the villages. It is true this would make the journey on foot or cycle uninviting in the dark. However, I am also mindful that Policy C of the PPTS recognises that sites may need to be located in rural areas and the countryside. In addition, the occupants, would by definition travel by caravan pulled by a vehicle. Although in the open countryside, this site is only a very short car journey to Histon and Cottenham. I am satisfied therefore that there is no conflict with this criterion.

Pressure on services and facilities (c)

28. No evidence was presented by the Council to suggest that local services were under pressure. I am aware that the residents have been on site for a number of years and are registered with local health facilities. On the evidence before me therefore there is nothing substantive to indicate that the needs of residents could not be met appropriately by local facilities and services.

Number and nature of pitches (d)

29. I consider that the number and nature of the pitches is appropriate to the site size and location given my findings above regarding the character and appearance of the area. The consideration of whether it is inappropriate with respect to the Green Belt designation is a separate matter. To say that the pitches are not appropriate because the development is inappropriate in the Green Belt, as the Council does in its office report, would mean that this criterion could never be met.

Domination of nearest settled community (f)

30. I saw that Histon and Cottenham, between which the appeal sites are located are large villages. In comparison, the cumulative size of the gypsy and Traveller site with these appeal sites is negligible in this context, and it is located a reasonable distance from the settlements to ensure that there would be no dominance. In addition I have seen no evidence that the everyday needs of the residents would be to an extent to swamp local services and facilities. I am satisfied therefore that this criterion is met.

31. The Council suggested that this criterion is similar to criterion (g) regarding the unacceptable adverse impact on the countryside and landscape character. However, in my view these two elements are separate considerations, one regarding the relationship with surrounding settled communities and the other the impact on the character and appearance.

Countryside and landscape character (g)

32. I have already found that the proposal will only have a minor harmful effect on the character and appearance of the area due to the loss of an open field. I do not consider given my findings that this would be to the extent of having an unacceptable adverse impact on the countryside and landscape character within the context of this policy given the existing structures on site, the lack of visibility and the retention of field patterns.

33. Therefore, for the reasons above I conclude that the proposals meet criteria b, c, d, f and g of Policy H/22. The Council also allege conflict with criteria a which relates to the need for pitches and availability of alternatives which I consider below.

Other Considerations

Need for pitches

34. I have before me two recent appeal decisions regarding Gypsy and Traveller sites within the District⁵. Both Inspectors found that the Council could not demonstrate an adequate supply of sites to meet the needs of ethnic Gypsies and Travellers and the level of unmet need is substantial. The Council agreed in writing that this remains the position and there is no evidence which would lead me to a different conclusion. I give the unmet need substantial weight.

Alternative sites

35. The Inspectors on the two recent appeal decisions also found that there are no vacant pitches on existing lawful sites and that the public sites are full with long waiting lists. The Council also confirmed in writing that this situation has not changed. This is reiterated in correspondence from the Gypsy and Traveller Liaison Officer (GTLO) stating that in the last seven years only 2 pitches have become available on the Council owned sites with 40-50 applications being made per pitch. Although, the appellants have not provided any details of a search for other sites where they could live, it is apparent from the evidence before me, that there is a lack of alternative sites.

36. The Council confirmed in writing that the timescale for the emerging local plan would be adoption in 2026 but that was not guaranteed, and it would be likely to make allocations in accordance with a new GTAA which has been commissioned. However, this is sometime in the future, and I give the lack of suitable and available alternative sites considerable weight.

37. Whilst this is a case of intentional unauthorised development, given the lack of alternative pitches I give this minor weight.

⁵ APP/W0530/W/23/3317545 & APP/W0530/W/23/3318910

38. Given my findings on this and the need for pitches then I am satisfied that the proposals meet the requirements of criterion a of Policy H/22 of the Local Plan.

Personal circumstances

39. The occupiers of the site, which are part of the extended family group of existing residents would be as follows:

Appeal A

- Arram Price and Sharon Smith with two resident dependents

Appeal B

- Jolene Gentle and her eight resident dependents

Appeal C

- Joshua and Sabrina Price and their two resident dependents

Appeal D

- Jessie and Lyla Price and their five resident dependents

Appeal E

- Sarah Price and her 5 resident dependents

Appeal F

- Tony Price and Pamela Piggott and their four resident dependents

40. The appellants who attended the Hearing, and subsequently those in writing, confirmed that all the economically active members of the family travel for work for part of the year as well as attending Appleby Horse Fair. Others remain at home to look after children or others with health needs both within the site and within Histon. I am therefore satisfied that the residents meet the definition of Gypsies and Travellers in the PPTS.

41. I was also presented with evidence regarding medical conditions for residents of Appeal B and Appeal F which required them to have regular GP and hospital appointments. All residents across the six plots are registered with local health facilities. A settled base would ensure continuing access to GP and hospital facilities. I therefore give significant weight to the health needs of those residents.

42. Much emphasis is also placed on the need for the extended family to be together to provide mutual support. The GTLO reports that the Moor Drove site is well established and the residents settled. The majority are from the extended family of the Prices. The family members rely on each other for support, childminding, health needs and employment. There is a very positive family dynamic. There are complex and extensive personal circumstances which means the residents rely on each other for support. This is not disputed and matches the compelling evidence I saw and heard.

43. It was also confirmed at the Hearing that the children across the four sites attend the local school or nursery school. Those living on Plot E5 also attend a

local primary school with one at pre-school. Those on plot A1 are home schooled.

44. Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. The children's best interests are a primary consideration. The best interests of the children would be served by the families continuing to reside at their long-established home and business base. Their needs are being met presently at this base. Should the appeal be dismissed, and the families required to vacate the site, they would be forced to either lead a roadside existence or double-up on pitches elsewhere. This would inevitably impact negatively on the children's education and wellbeing. In addition the loss of the mutual support provided by the extended family would also have a negative impact on the children's wellbeing. The best interests of the children is a factor that attracts significant weight.

Other Matters

45. The Council refers to Policies H/20 and H/21 of the Local Plan in its first reason for refusal. However, Policy H/20 allows for the safeguarding of sites with unrestricted planning permission for Gypsies and Travellers. The proposal would not conflict with that requirement. Policy H/21 states that if a need is identified for sites, then they will be sought as part of large scale new communities and significant major development sites. While the proposals before me would form an extension to a standalone site, I was not advised of any opportunity for sites as proposed under this policy to meet the identified need. Therefore neither policy has been determinative.

Whether the harm is clearly outweighed by other considerations

46. I have found that the development is inappropriate within the Green Belt and causes significant adverse harm to the openness and purposes of the Green Belt. These attract substantial weight. The development is also a case of intentional unauthorised development. However, given the circumstances I outline above this carries minor weight. The proposals would also cause minor harm to the character and appearance of the area which carries minor weight.
47. Set against this, I have found that there continues to be an unmet need within the District. In addition, the Council is unable to demonstrate an adequate supply and there are no alternative or available sites for the appellant and their family to move to. It is uncertain when any would be available in the future. Furthermore, it would be in the best interests of the children to remain on the appeal site.
48. I have had regard to the PPTS that states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances. The site would be occupied by a number of children having regard to Article 8 of the European Convention on Human Rights. If the appeals were to be dismissed then the families would revert to a roadside existence, where it would be difficult for the children to access facilities and support. I consider the best interest of the children would be to remain on the sites with access to educational and health facilities as well as support from

extended family. This would provide a safe and secure base to access facilities, which, due to a lack of alternative sites, is not available elsewhere.

49. Therefore, in this instance, the matters I have identified above together, including the best interests of the child in all appeals, carry very great weight such that they clearly outweigh the harm to the Green Belt and other harm. Looking at the cases as a whole, I consider that very special circumstances exist which justify the development. As such there would be no conflict with the requirements of the Framework.
50. As the proposals would meet Green Belt policy, then the requirements of Policy H/22 are met and there would be no conflict in this respect. However, there would still be conflict with policies NH/8 and HQ1 of the Local Plan drawing them into conflict with the development plan as a whole. However, the material considerations I outline above, including the Framework, are sufficient to outweigh that conflict in this instance.

Conditions

51. The Council suggested a number of conditions for the appeals prior to the Hearing I sought comments from the appellants in writing and have taken the response into account. I have had regard to those conditions and considered them against the tests in the Framework and the advice in the Planning Practise Guidance (PPG), making such amendments as necessary to comply with those documents.
52. A condition restricting the development to be carried out in accordance with the approved plans is necessary to provide certainty. As development has commenced then a condition giving a timescale for commencement is not necessary.
53. There is justification for the sites to be occupied by Gypsies and Travellers to safeguard the supply of the sites for this purpose and as such a condition is necessary to restrict occupation. A personal condition is also necessary as although there is an outstanding need for Gypsy and Traveller pitches, the justification for the pitches being in this Green Belt location relates to the personal circumstances of the appellants and the particular supportive relationships with the residents of the authorised pitches.
54. It is necessary to restrict the number of pitches and caravans to protect the character and appearance of the area. It is also reasonable to impose a condition to ensure that commercial activities do not take place on the sites and no vehicle over 3.5 tonnes is stationed, parked, or stored on the sites to protect the character of the area and residents' living conditions.
55. Although I have considered the development on the basis of the submitted plans, a condition is imposed to ensure that details of the internal layout of the sites, means of foul and surface water drainage, external lighting and hard and soft landscaping are submitted, implemented and maintained to give the Council certainty as to how the development is implemented on the sites in an acceptable way and within a timely manner. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the matters outlined in this condition before the

development commences. The condition will ensure that the development can be enforced against if the details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

56. The appellants asked for a condition allowing the use to be transferable to other members of their own family. I understand that family relationships on the site are close, however I have determined these appeals based on the evidence before me for each plot and the requirements of those families are part of the reason that the very special circumstances exist to outweigh the harm to the Green Belt. I cannot be certain that the same would be the case for other members of the family.

57. The Council has requested a condition restricting the use of the appeal site for five years as per the most recent appeal decision. However, as I have explained, that appeal site has a different relationship to the authorised pitches to those I am considering now and therefore there is no need for a temporary consent.

Conclusion

58. For the reasons given above I conclude that all six appeals should be allowed.

Zoe Raygen

INSPECTOR

APPEARANCES FOR APPEALS B, C, D and F
FOR THE LOCAL PLANNING AUTHORITY

Phoebe Carter	Senior Planning Officer, South Cambridgeshire District Council
Amy Stocks	Senior Planning Officer, South Cambridgeshire District Council
Dean Scrivenor	Principal Planning Officer, South Cambridgeshire District Council

FOR THE APPELLANT

Jolene Gentle	Appellant
Joshua Price	Appellant
Jessie Price	Appellant
Pamelyn Piggott	Appellant's relative
Tony Price	Appellant

CONDITIONS APPEAL A

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such,
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Arram Price and Sharon Smith and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:

- i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
- ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL B

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Jolene Gentle and her resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

CONDITIONS APPEAL C

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than four caravans, shall be stationed at any time, of which only two shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Joshua and Sabrina Price and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.

- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined,

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL D

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Jessie and Lyla Price and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 - 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 - 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of

- landscape maintenance for a period of 5 years following initial planting;
 - 3. the means of foul and surface water drainage of the site; and
 - 4. a timetable for the implementation for the Site Development Scheme.
- v) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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.
 - vi) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - vii) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

CONDITIONS APPEAL E

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans; block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Sarah Price and her resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:

- i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
- ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL F

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of

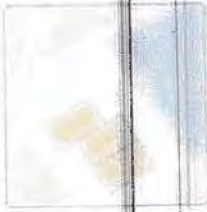
an organised group of travelling showpeople or circus people travelling together as such.

- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Tony Price and Pamela Pygott and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

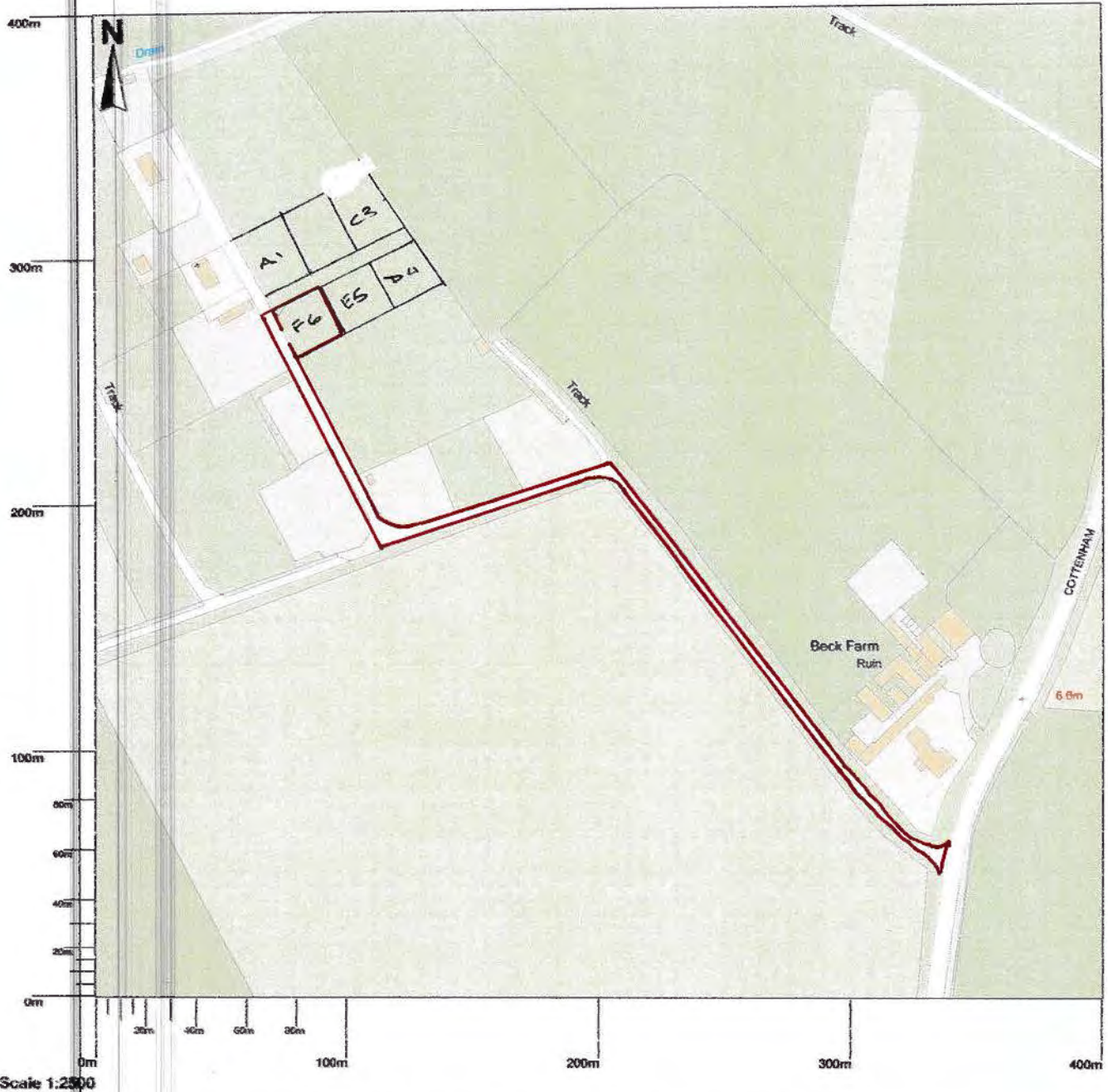
In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.

- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

*****END OF CONDITIONS*****



4 Moor Drove, Histon, Cambridge, CB24 9AN



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Appeal Decisions

Hearing held on 10 January 2024

Site visit made on 9 January 2024

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2024

Appeal A Ref: APP/W0530/W/23/3318839

Plot A1 Moor Drove, Histon, Cambridge, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Arram Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04263/FUL, dated 12 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal B Ref: APP/W0530/W/23/3318840

Plot B2 Moor Drove, Histon, Cambridge, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Jolene Gentle against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04858/FUL, dated 16 November 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal C Ref: APP/W0530/W/23/3318842

Plot C3 Moor Drove, Histon, Cambridge CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Joshua Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04264/FUL, dated 14 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 2 static caravans, day room and parking.
-

Appeal D Ref: APP/W0530/W/23/3318843

Plot D4 Moor Drove, Histon, Cambridge CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Jessie Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04297/FUL, dated 14 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal E Ref: APP/W0530/W/23/3318844

Plot E5 Moor Drove, Histon, CAMBRIDGE, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Sarah Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04298/FUL, dated 15 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, day room and parking.
-

Appeal F Ref: APP/W0530/W/23/3318845

Plot F6 Moor Drove, Histon, CAMBRIDGE, CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tony Price against the decision of South Cambridgeshire District Council.
 - The application Ref 20/04299/FUL, dated 15 October 2020, was refused by notice dated 10 January 2023.
 - The development proposed is change of use from disused land to single site for 1 static caravan, laundry/shower room and parking.
-

Decision

1. Appeal A is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot A1 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04263/FUL, dated 12 October 2020, subject to the conditions set out in the schedule to this decision notice.
2. Appeal B is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot B2 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04858/FUL, dated 16 November 2020, subject to the conditions set out in the schedule to this decision notice.
3. Appeal C is allowed, and planning permission is granted for change of use from disused land to single site for 2 static caravans, day room and parking at land east of Plot C3 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04264/FUL, dated 14 October 2020, subject to the conditions set out in the schedule to this decision notice.
4. Appeal D is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot D 4 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04297/FUL, dated 14 October 2020, subject to the conditions set out in the schedule to this decision notice.
5. Appeal E is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, day room and parking at land east of Plot E5 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04298/FUL, dated 15 October 2020, subject to the conditions set out in the schedule to this decision notice.

6. Appeal F is allowed, and planning permission is granted for change of use from disused land to single site for 1 static caravan, laundry/shower room and parking at land east of Plot F6 Moor Drove, Histon, Cambridge, CB24 9AN in accordance with the terms of the application 20/04299/FUL, dated 15 October 2020, subject to the conditions set out in the schedule to this decision notice.

Preliminary Matters

7. The Government issued a revised version of the Planning Policy for Traveller Sites on the 19 December 2023 (the PPTS). The revision relates to the definition of Gypsies and Travellers contained in Annex 1 of the PPTS updated following recent case law¹. Parties had the opportunity to comment on this prior to the Hearing.
8. Since the application was determined, a revised National Planning Policy Framework (Framework) was published in December 2023. Policies that are material to this decision have not fundamentally changed and I have had regard to the latest version of the Framework and new paragraph numbers in reaching my decision.
9. The six appeals relate to six additional pitches at an established Gypsy and Traveller site of nine authorised pitches² as well as four temporary pitches³. In addition, I saw at my site visit a number of unauthorised pitches including nine which are also the subject of appeals under my consideration⁴ heard at a Hearing on 9 January 2024 and dealt with in a separate decision.
10. The Council has refused the six planning applications the subject of this appeal for the same reasons. I have therefore addressed all the appeals in one decision as most of the issues are the same. I have considered the appeal sites on their own merits and only considered the cumulative impact in association with each other and with those pitches which are authorised on a permanent basis. That is except for the nine pitches which I have considered in a separate Hearing, and which are located either side of the sites the subject of these appeals.
11. At this Hearing only four of the appellants and some of their families were present. In addition, the agent representing the appellants was not present. After seeking views, I heard from the parties present about their Gypsy and Traveller status and their personal circumstances. All parties present agreed that I would progress all the remaining matters, including the personal circumstances and status of the absent appellants, amongst others, by written representations with all parties. I have taken account of the responses received in my decisions.
12. It was confirmed at the Hearing that the appellants and their families had been living at the appeal sites for some time. It was clear at my site visit that the pitches had already been provided. However, the layout of each is different to how the proposal is shown on the submitted site layout plans, in terms of the location of the mobile homes and the provision of amenity buildings. The

¹ *Smith v SSLUHC & Ors [2022] EWCA (the Lisa Smith judgement)*

² APP/W0530/08/2067087 & APP/W0530/W/17/3183666

³ APP/W0530/23/3317545 (the 2023 decision)

⁴ APP/W0530/W/23/3322128 & APP/W0530/W/23/3322185

development is still essentially a proposal in the sense that it is far from being completed. What is for my consideration is as shown on the submitted plans and not any alternative development which has, or has alleged, to have taken place. Accordingly, I have considered the appeals on this basis.

13. I had already visited this established Gypsy and Traveller site the day before and seen all these appeal sites as well as the surrounding area. It was agreed at the Hearing that I did not need to revisit, especially given that some of the appellants were absent.

Main Issues

14. The appeal sites are located within the Green Belt and by virtue of paragraph 16 of the PPTS the proposals would be inappropriate development drawing it into conflict with this document. In that context, the main issues for all six appeals are:

- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the purposes of including land within the Green Belt;
- The effect of the proposal on the character and appearance of the area;
- Whether the proposal complies with the requirements of Policy H/22 of the South Cambridgeshire Local Plan 2018; and
- Would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness and Purposes

15. The proposals would see the siting of up to 14 caravans and 6 amenity buildings which would have a spatial and visual impact on openness.
16. However, I saw at my site visit that, due to local topography and the presence of dense field hedgerows, visibility into the site from public vantage points is minimal. Therefore in my view the impact on openness is only limited and localised.
17. The caravans and buildings would be single storey with a modest mass within large plots with space around the structures. Nevertheless, they would lead to a loss of spatial openness which would have a significant adverse effect on openness and, due to the extent of the plots, encroachment into the countryside.
18. Consequently, there would be conflict with Policy NH/8 of the South Cambridgeshire Local Plan 2018 (Local Plan) which requires development in the Green Belt not to have an adverse effect on openness. The proposals would also be contrary to the fundamental aim of Green Belt policy contained in the Framework to prevent urban sprawl by keeping land permanently open and one of the purposes to assist in safeguarding the countryside from encroachment.

The proposals would not conflict with any of the other purposes of the Green Belt.

Character and appearance

19. The area within which the appeal sites are located is largely open fields with well-defined boundaries comprising hedgerows and trees. Since at least 2008 when planning permission was granted for 6 of the authorised pitches there have been caravans on the site and these form part of the established character laid out in an L shape around access roads and comprising caravans, amenity buildings and surface storage on hardstanding.
20. The six appeal sites would be seen within the context of the existing pitches being located around a central access road with three pitches on either side, extending no further into the countryside to the east than those authorised pitches to the south. While they would increase the developed area leading to a loss of open field, they would not breach the existing field line maintaining the integrity of the field structure. Furthermore, they would not be visible from public vantage points due to the existing landscape screening. I appreciate that a substantial belt of trees to the west has been removed. However, any views to the appeal sites from this location would be screened by the existing authorised pitches to the west.
21. As well as the six plots in isolation, I have also considered them cumulatively with each other, the authorised plots and those that I am considering under the separate appeals. It is true that the plots as a whole, both authorised permanently and unauthorised, would cover a large area of countryside. However, together they would still be contained within an existing field boundary and would not be visible from any public vantage points. The structures would be of a similar character and single storey with space around them, integrating with the existing authorised development.
22. Some planting could help effectively integrate the additional plots, however in my view the containment of the site in the context of the authorised development means that that it is only the loss of part of the open field that would lead to minor harm to the character and appearance of the area, whether considered in isolation or cumulatively. However, this would result in the proposals not preserving or enhancing the character of the local rural area as required by Policy HQ/1 of the Local Plan. Furthermore they would have an adverse effect on the rural character of the Green Belt contrary to Policy NH/8 of the Local Plan.
23. The Council also refers to Policy NH/9 of the Local Plan. However, this refers to the redevelopment of previously developed sites and infilling of the Green Belt, neither of which is the case here.
24. I realise that I have found a different level of harm to that of the Inspector in the 2023 decision. However, that decision was in respect of pitches which are set apart from the authorised pitches with no direct relationship with them which is different to those proposed in the six appeals before me now.

Policy H/22

25. Policy H/22 of the Local Plan is regarding proposals for Gypsies and Traveller sites on unallocated land outside of development frameworks. Planning permission will only be granted outside development frameworks and the Green Belt where it meets a number of criteria.
26. Sites within the Green Belt would need to comply with local and national policy and if considered acceptable would also need to comply with the criteria in the Policy. Although not contained in the Council's reason for refusal, in its statement of case the Council allege conflict with criteria b, c, d, f and g.

Accessibility (b)

27. The appeal sites are close to the settlements of Histon and Cottenham which have a range of services and facilities providing for the day to day needs of residents. There is a bus service which would give access to the settlements from the appeal sites. The Council's primary concern is the lack of streetlighting along the footway which leads from the appeal sites to the villages. It is true this would make the journey on foot or cycle uninviting in the dark. However, I am also mindful that Policy C of the PPTS recognises that sites may need to be located in rural areas and the countryside. In addition, the occupants, would by definition travel by caravan pulled by a vehicle. Although in the open countryside, this site is only a very short car journey to Histon and Cottenham. I am satisfied therefore that there is no conflict with this criterion.

Pressure on services and facilities (c)

28. No evidence was presented by the Council to suggest that local services were under pressure. I am aware that the residents have been on site for a number of years and are registered with local health facilities. On the evidence before me therefore there is nothing substantive to indicate that the needs of residents could not be met appropriately by local facilities and services.

Number and nature of pitches (d)

29. I consider that the number and nature of the pitches is appropriate to the site size and location given my findings above regarding the character and appearance of the area. The consideration of whether it is inappropriate with respect to the Green Belt designation is a separate matter. To say that the pitches are not appropriate because the development is inappropriate in the Green Belt, as the Council does in its office report, would mean that this criterion could never be met.

Domination of nearest settled community (f)

30. I saw that Histon and Cottenham, between which the appeal sites are located are large villages. In comparison, the cumulative size of the gypsy and Traveller site with these appeal sites is negligible in this context, and it is located a reasonable distance from the settlements to ensure that there would be no dominance. In addition I have seen no evidence that the everyday needs of the residents would be to an extent to swamp local services and facilities. I am satisfied therefore that this criterion is met.

31. The Council suggested that this criterion is similar to criterion (g) regarding the unacceptable adverse impact on the countryside and landscape character. However, in my view these two elements are separate considerations, one regarding the relationship with surrounding settled communities and the other the impact on the character and appearance.

Countryside and landscape character (g)

32. I have already found that the proposal will only have a minor harmful effect on the character and appearance of the area due to the loss of an open field. I do not consider given my findings that this would be to the extent of having an unacceptable adverse impact on the countryside and landscape character within the context of this policy given the existing structures on site, the lack of visibility and the retention of field patterns.

33. Therefore, for the reasons above I conclude that the proposals meet criteria b, c, d, f and g of Policy H/22. The Council also allege conflict with criteria a which relates to the need for pitches and availability of alternatives which I consider below.

Other Considerations

Need for pitches

34. I have before me two recent appeal decisions regarding Gypsy and Traveller sites within the District⁵. Both Inspectors found that the Council could not demonstrate an adequate supply of sites to meet the needs of ethnic Gypsies and Travellers and the level of unmet need is substantial. The Council agreed in writing that this remains the position and there is no evidence which would lead me to a different conclusion. I give the unmet need substantial weight.

Alternative sites

35. The Inspectors on the two recent appeal decisions also found that there are no vacant pitches on existing lawful sites and that the public sites are full with long waiting lists. The Council also confirmed in writing that this situation has not changed. This is reiterated in correspondence from the Gypsy and Traveller Liaison Officer (GTLO) stating that in the last seven years only 2 pitches have become available on the Council owned sites with 40-50 applications being made per pitch. Although, the appellants have not provided any details of a search for other sites where they could live, it is apparent from the evidence before me, that there is a lack of alternative sites.

36. The Council confirmed in writing that the timescale for the emerging local plan would be adoption in 2026 but that was not guaranteed, and it would be likely to make allocations in accordance with a new GTAA which has been commissioned. However, this is sometime in the future, and I give the lack of suitable and available alternative sites considerable weight.

37. Whilst this is a case of intentional unauthorised development, given the lack of alternative pitches I give this minor weight.

⁵ APP/W0530/W/23/3317545 & APP/W0530/W/23/3318910

38. Given my findings on this and the need for pitches then I am satisfied that the proposals meet the requirements of criterion a of Policy H/22 of the Local Plan.

Personal circumstances

39. The occupiers of the site, which are part of the extended family group of existing residents would be as follows:

Appeal A

- Arram Price and Sharon Smith with two resident dependents

Appeal B

- Jolene Gentle and her eight resident dependents

Appeal C

- Joshua and Sabrina Price and their two resident dependents

Appeal D

- Jessie and Lyla Price and their five resident dependents

Appeal E

- Sarah Price and her 5 resident dependents

Appeal F

- Tony Price and Pamela Piggott and their four resident dependents

40. The appellants who attended the Hearing, and subsequently those in writing, confirmed that all the economically active members of the family travel for work for part of the year as well as attending Appleby Horse Fair. Others remain at home to look after children or others with health needs both within the site and within Histon. I am therefore satisfied that the residents meet the definition of Gypsies and Travellers in the PPTS.

41. I was also presented with evidence regarding medical conditions for residents of Appeal B and Appeal F which required them to have regular GP and hospital appointments. All residents across the six plots are registered with local health facilities. A settled base would ensure continuing access to GP and hospital facilities. I therefore give significant weight to the health needs of those residents.

42. Much emphasis is also placed on the need for the extended family to be together to provide mutual support. The GTLO reports that the Moor Drove site is well established and the residents settled. The majority are from the extended family of the Prices. The family members rely on each other for support, childminding, health needs and employment. There is a very positive family dynamic. There are complex and extensive personal circumstances which means the residents rely on each other for support. This is not disputed and matches the compelling evidence I saw and heard.

43. It was also confirmed at the Hearing that the children across the four sites attend the local school or nursery school. Those living on Plot E5 also attend a

local primary school with one at pre-school. Those on plot A1 are home schooled.

44. Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. The children's best interests are a primary consideration. The best interests of the children would be served by the families continuing to reside at their long-established home and business base. Their needs are being met presently at this base. Should the appeal be dismissed, and the families required to vacate the site, they would be forced to either lead a roadside existence or double-up on pitches elsewhere. This would inevitably impact negatively on the children's education and wellbeing. In addition the loss of the mutual support provided by the extended family would also have a negative impact on the children's wellbeing. The best interests of the children is a factor that attracts significant weight.

Other Matters

45. The Council refers to Policies H/20 and H/21 of the Local Plan in its first reason for refusal. However, Policy H/20 allows for the safeguarding of sites with unrestricted planning permission for Gypsies and Travellers. The proposal would not conflict with that requirement. Policy H/21 states that if a need is identified for sites, then they will be sought as part of large scale new communities and significant major development sites. While the proposals before me would form an extension to a standalone site, I was not advised of any opportunity for sites as proposed under this policy to meet the identified need. Therefore neither policy has been determinative.

Whether the harm is clearly outweighed by other considerations

46. I have found that the development is inappropriate within the Green Belt and causes significant adverse harm to the openness and purposes of the Green Belt. These attract substantial weight. The development is also a case of intentional unauthorised development. However, given the circumstances I outline above this carries minor weight. The proposals would also cause minor harm to the character and appearance of the area which carries minor weight.
47. Set against this, I have found that there continues to be an unmet need within the District. In addition, the Council is unable to demonstrate an adequate supply and there are no alternative or available sites for the appellant and their family to move to. It is uncertain when any would be available in the future. Furthermore, it would be in the best interests of the children to remain on the appeal site.
48. I have had regard to the PPTS that states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances. The site would be occupied by a number of children having regard to Article 8 of the European Convention on Human Rights. If the appeals were to be dismissed then the families would revert to a roadside existence, where it would be difficult for the children to access facilities and support. I consider the best interest of the children would be to remain on the sites with access to educational and health facilities as well as support from

extended family. This would provide a safe and secure base to access facilities, which, due to a lack of alternative sites, is not available elsewhere.

49. Therefore, in this instance, the matters I have identified above together, including the best interests of the child in all appeals, carry very great weight such that they clearly outweigh the harm to the Green Belt and other harm. Looking at the cases as a whole, I consider that very special circumstances exist which justify the development. As such there would be no conflict with the requirements of the Framework.
50. As the proposals would meet Green Belt policy, then the requirements of Policy H/22 are met and there would be no conflict in this respect. However, there would still be conflict with policies NH/8 and HQ1 of the Local Plan drawing them into conflict with the development plan as a whole. However, the material considerations I outline above, including the Framework, are sufficient to outweigh that conflict in this instance.

Conditions

51. The Council suggested a number of conditions for the appeals prior to the Hearing I sought comments from the appellants in writing and have taken the response into account. I have had regard to those conditions and considered them against the tests in the Framework and the advice in the Planning Practise Guidance (PPG), making such amendments as necessary to comply with those documents.
52. A condition restricting the development to be carried out in accordance with the approved plans is necessary to provide certainty. As development has commenced then a condition giving a timescale for commencement is not necessary.
53. There is justification for the sites to be occupied by Gypsies and Travellers to safeguard the supply of the sites for this purpose and as such a condition is necessary to restrict occupation. A personal condition is also necessary as although there is an outstanding need for Gypsy and Traveller pitches, the justification for the pitches being in this Green Belt location relates to the personal circumstances of the appellants and the particular supportive relationships with the residents of the authorised pitches.
54. It is necessary to restrict the number of pitches and caravans to protect the character and appearance of the area. It is also reasonable to impose a condition to ensure that commercial activities do not take place on the sites and no vehicle over 3.5 tonnes is stationed, parked, or stored on the sites to protect the character of the area and residents' living conditions.
55. Although I have considered the development on the basis of the submitted plans, a condition is imposed to ensure that details of the internal layout of the sites, means of foul and surface water drainage, external lighting and hard and soft landscaping are submitted, implemented and maintained to give the Council certainty as to how the development is implemented on the sites in an acceptable way and within a timely manner. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the matters outlined in this condition before the

development commences. The condition will ensure that the development can be enforced against if the details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

56. The appellants asked for a condition allowing the use to be transferable to other members of their own family. I understand that family relationships on the site are close, however I have determined these appeals based on the evidence before me for each plot and the requirements of those families are part of the reason that the very special circumstances exist to outweigh the harm to the Green Belt. I cannot be certain that the same would be the case for other members of the family.

57. The Council has requested a condition restricting the use of the appeal site for five years as per the most recent appeal decision. However, as I have explained, that appeal site has a different relationship to the authorised pitches to those I am considering now and therefore there is no need for a temporary consent.

Conclusion

58. For the reasons given above I conclude that all six appeals should be allowed.

Zoe Raygen

INSPECTOR

APPEARANCES FOR APPEALS B, C, D and F
FOR THE LOCAL PLANNING AUTHORITY

Phoebe Carter	Senior Planning Officer, South Cambridgeshire District Council
Amy Stocks	Senior Planning Officer, South Cambridgeshire District Council
Dean Scrivenor	Principal Planning Officer, South Cambridgeshire District Council

FOR THE APPELLANT

Jolene Gentle	Appellant
Joshua Price	Appellant
Jessie Price	Appellant
Pamelyn Piggott	Appellant's relative
Tony Price	Appellant

CONDITIONS APPEAL A

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such,
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Arram Price and Sharon Smith and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:

- i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
- ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL B

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Jolene Gentle and her resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

CONDITIONS APPEAL C

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than four caravans, shall be stationed at any time, of which only two shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Joshua and Sabrina Price and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.

- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined,

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL D

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Jessie and Lyla Price and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 - 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 - 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of

- landscape maintenance for a period of 5 years following initial planting;
 - 3. the means of foul and surface water drainage of the site; and
 - 4. a timetable for the implementation for the Site Development Scheme.
- v) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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.
 - vi) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - vii) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

CONDITIONS APPEAL E

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans; block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Sarah Price and her resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:

- i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
- ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

CONDITIONS APPEAL F

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan, site plan, proposed day room.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of

an organised group of travelling showpeople or circus people travelling together as such.

- 3) There shall be no more than one pitch on the site and on this pitch hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Tony Price and Pamela Pygott and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

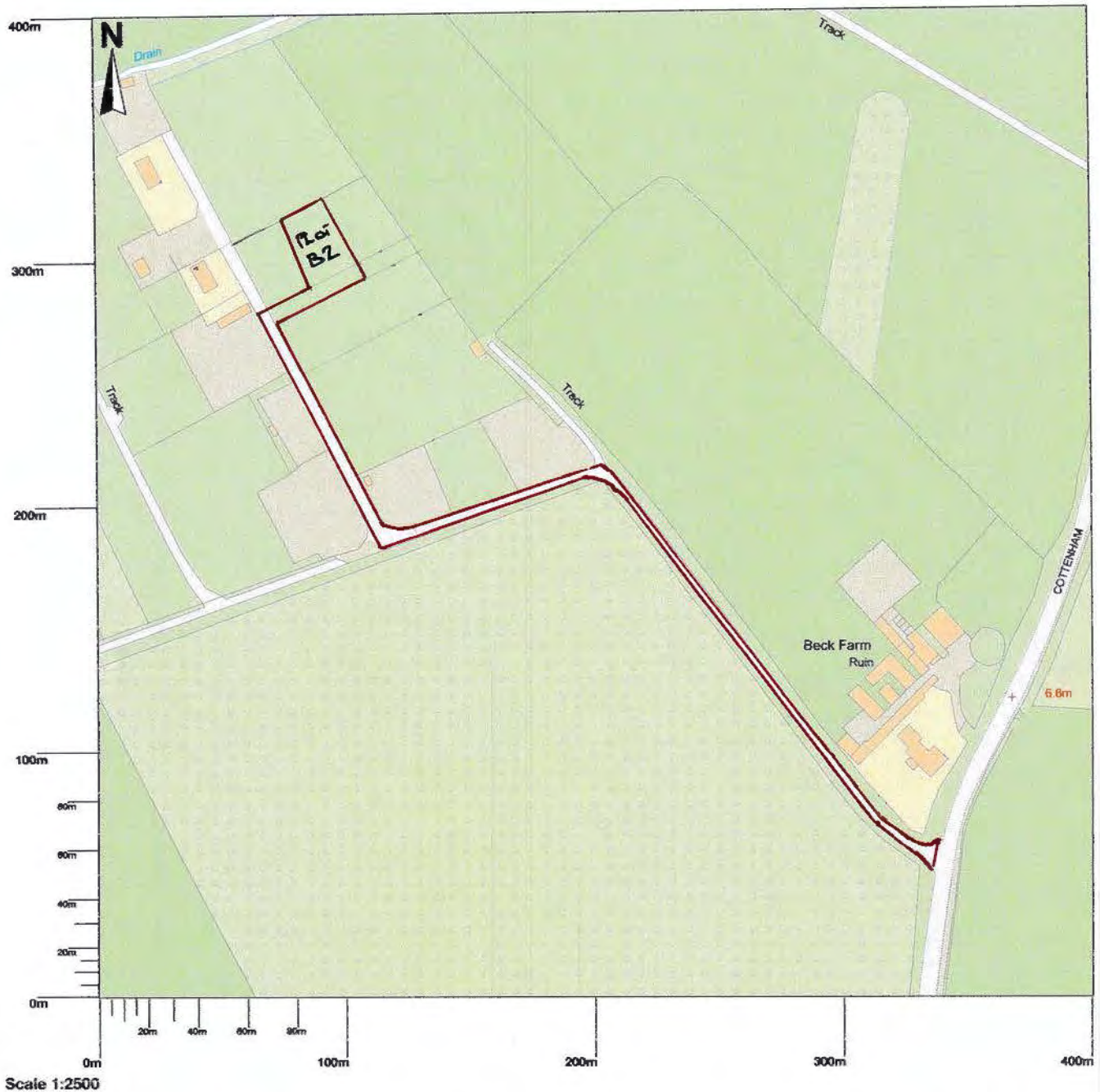
In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.

- 7) No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.

*****END OF CONDITIONS*****



4 Moor Drove, Histon, Cambridge, CB24 9AN



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Appeal Decisions

Hearing held on 9 January 2024

Site visit made on 9 January 2024

by **Zoe Raygen DipURP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal A Ref: APP/W0530/W/23/3322128

**Land east of Plot 2, Moor Drive, Histon, Cambridge, Cambridgeshire
CB24 9AN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chasey Price against the decision of South Cambridgeshire District Council.
 - The application Ref 21/01173/FUL, dated 17 February 2021, was refused by notice dated 17 November 2022.
 - The proposal is the change of use of land to a residential caravan site for 6 gypsy families, each with two caravans, including 6 No. amenity buildings and laying of hardstanding.
-

Appeal B Ref: APP/W0530/W/23/3322185

**Land east of Plot 5, Moor Drive, Histon, Cambridge, Cambridgeshire
CB24 9AN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bill Price against the decision of South Cambridgeshire District Council.
 - The application Ref 21/01172/FUL, dated 17 February 2021, was refused by notice dated 17 November 2022.
 - The proposal is the change of use of land to a residential caravan site for 3 gypsy families, each with two caravans, including no more than one static caravan/mobile home, together with 3 No. amenity buildings and laying of hardstanding.
-

Decision

1. Appeal A is allowed, and planning permission is granted for use as a residential caravan site for 6 gypsy families, each with two caravans, including 6 No. amenity buildings and laying of hardstanding at land east of Plot 2, Moor Drive, Histon, Cambridge, Cambridgeshire CB24 9AN in accordance with the terms of the application Ref 21/01173/FUL, dated 17 February 2021, subject to the conditions set out in the schedule to this decision notice.
2. Appeal B is allowed and planning permission is granted for use of land as a residential caravan site for 3 gypsy families, each with two caravans, including no more than one static caravan/mobile home, together with 3 No. amenity buildings and laying of hardstanding at land east of Plot 5, Moor Drive, Histon, Cambridge, Cambridgeshire CB24 9AN in accordance with the terms of the application Ref 21/01172/FUL, dated 17 February 2021, subject to the conditions set out in the schedule to this decision notice.

Preliminary Matters

3. The Government issued a revised version of the Planning Policy for Traveller Sites on the 19 December 2023 (the PPTS). The revision relates to the definition of Gypsies and Travellers contained in Annex 1 of the PPTS following recent case law¹. Parties had the opportunity to comment on this prior to the Hearing.
4. Since the application was determined, a revised National Planning Policy Framework (Framework) was published in December 2023. Policies that are material to this decision have not fundamentally changed and I have had regard to the latest version of the Framework and new paragraph numbers in reaching my decision.
5. The Council stated in its statement of case that the appeal sites are in a zone of high flood risk. However, it confirmed at the Hearing that this was not the case, and it was not pursuing the matter. I see no reason to disagree.
6. The two proposals are for different appeal sites within an established Gypsy and Traveller site which has nine authorised pitches² as well as four temporary pitches³. In addition, I saw at my site visit a number of unauthorised pitches including six which are the subject of appeals under my consideration⁴ heard at a Hearing on 10 January 2024 and these will be dealt with in a separate decision.
7. The Council has refused the two planning applications the subject of this appeal for the same reasons. I have therefore addressed both appeals in one decision as most of the issues are the same for both appeals. I have considered the appeal sites on their own merits and only considered the cumulative impact in association with each other and with those pitches which are authorised on a permanent basis. That is except for the six pitches which I have considered in a separate Hearing, and which are located in between the two sites the subject of these appeals. The appellant conceded at the Hearing it would be appropriate to include these in my consideration.
8. It was confirmed at the Hearing that the appellants and their families had been living at the appeal sites for some time. It was clear at my site visit that the pitches had already been provided. However, the layout of each is different to how the proposal is shown on the submitted layout plans, in terms of the location of the mobile homes and the provision of amenity buildings. The development is still essentially a proposal in the sense that it is far from being completed. What is for my consideration is as shown on the submitted plans and not any alternative development which has, or has alleged, to have taken place. Accordingly, I have considered the appeals on this basis.

Main Issues

9. The appeal sites are located within the Green Belt and the parties agree that by virtue of paragraph 16 of the PPTS the proposals would be inappropriate development. I concur and the proposal would conflict with the PPTS in this regard. In that context, the main issues for both appeals are:

¹ *Smith v SSLUHC & Ors [2022] EWCA (the Lisa Smith judgement)*

² APP/W0530/08/2067087 & APP/W0530/W/17/3183666

³ APP/W0530/23/3317545 (the 2023 decision)

⁴ APP/W0530/W/23/3318839, APP/W0530/W/23/3318840, APP/W0530/W/23/3318842, APP/W0530/W/23/3318843, APP/W0530/W/23/3318844 & APP/W0530/W/23/3318845

- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the purposes of including land within the Green Belt;
- The effect of the proposal on the character and appearance of the area;
- Whether the proposal complies with the requirements of Policy H/22 of the South Cambridgeshire Local Plan 2018; and
- Would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness and Purposes

10. The parties agree that the appeal sites were relatively open and being used for the storage of wood before works occurred. The proposals would see the siting of up to 18 caravans and 9 amenity buildings which would have a spatial and visual impact on openness.
11. However, I saw at my site visit that, due to local topography and the presence of dense field hedgerows, visibility into the site from public vantage points is minimal. Therefore in my view the impact on visual openness is only limited and localised.
12. The caravans and buildings would be single storey with a modest mass within large plots with space around the structures. Nevertheless, they, with the associated hardstanding covering most of the plots, would lead to a loss of spatial openness which would have a significant adverse effect on openness. Furthermore, due to the extent of the plots, they would encroach into the countryside.
13. Consequently, there would be conflict with Policy NH/8 of the South Cambridgeshire Local Plan 2018 (Local Plan) which requires development in the Green Belt not to have an adverse effect on openness. The proposals would also be contrary to the fundamental aim of Green Belt policy, contained in the Framework, to prevent urban sprawl by keeping land permanently open and one of the purposes to assist in safeguarding the countryside from encroachment. The parties agree that the proposals would not conflict with any of the other purposes of the Green Belt.

Character and appearance

14. The wider area within which the appeal sites are located is largely open fields with well-defined boundaries comprising hedgerows and trees. Since at least 2008, when planning permission was granted for 6 of the authorised pitches, there have been caravans on the site and these form part of the established character laid out in an L shape around access roads and comprising caravans, amenity buildings and surface storage on hardstanding.
15. The two proposals would be viewed as an extension of the authorised site by infilling an area within the existing L shape being development of a similar character and appearance. While they would increase the developed area leading to a loss of open field, the proposals, both themselves and together

with the existing permanent authorised and unauthorised pitches, would not breach the existing field line maintaining the integrity of the field structure. Furthermore, either in isolation or cumulatively, they would not be visible from public vantage points due to the existing landscape screening. I appreciate that a substantial belt of trees to the west has been removed. However, any views to the appeal sites from this location would be screened by the existing authorised pitches.

16. Some planting could help effectively integrate the additional plots within these two appeal sites. However, the containment of the site in the context of the authorised development means that that it would only be the loss of part of the open field that would lead to minor harm to the character and appearance of the area whether considered in isolation or cumulatively. However, this would result in the proposals not preserving or enhancing the character of the local rural area as required by Policy HQ/1 of the Local Plan. Furthermore, they would have an adverse effect on the rural character of the Green Belt contrary to Policy NH/8 of the Local Plan.
17. The Council also refers to Policy NH/9 of the Local Plan. However, this refers to the redevelopment of previously developed sites and infilling of the Green Belt, as defined by the Policy, neither of which is the case here.
18. I realise that I have found a different level of harm to that of the Inspector in the 2023 decision. However, that decision was in respect of pitches which are set apart from the authorised pitches with no direct relationship with them which is different to those proposed in the two appeals before me now.

Policy H/22

19. Policy H/22 of the Local Plan is regarding proposals for Gypsies and Traveller sites on unallocated land outside of development frameworks. It states that Planning permission will only be granted outside development frameworks and the Green Belt where it meets a number of criteria.
20. Sites within the Green Belt would need to comply with local and national policy and if considered acceptable would also need to comply with the criteria in the Policy. The Council agrees that the proposals meet criterion a regarding the need for the site and the lack of alternative sites. Although not contained in the Council's reason for refusal, in its statement of case it alleges conflict with criteria b, c, d, f and g. It reiterated this stance at the Hearing; therefore I have considered each in turn.

Accessibility (b)

21. The appeal sites are close to the settlements of Histon and Cottenham which have a range of services and facilities providing for the day to day needs of residents. There is a bus service which would give access to the settlements from a bus stop close to the appeal sites. The Council's primary concern is the lack of streetlighting along the footway which leads from the appeal sites to the villages. It is true this would make the journey on foot or cycle uninviting in the dark. However, I am also mindful that Policy C of the PPTS recognises that sites may need to be located in rural areas and the countryside. In addition, the occupants would, by definition, travel by caravan pulled by a vehicle. Although in the open countryside, this site is only a very short car journey to

Histon and Cottenham. I am satisfied therefore that there is no conflict with this criterion.

Pressure on services and facilities (c)

22. No evidence was presented by the Council to suggest that local services are under pressure. I am aware that the residents have been on site for a number of years and are registered with local health facilities. Furthermore, the majority of the children are home schooled. On the evidence before me therefore there is nothing substantive to indicate that the needs of residents could not be met appropriately by local facilities and services.

Number and nature of pitches (d)

23. I consider that the number and nature of the pitches is appropriate to the site size and location given my findings above regarding the character and appearance of the area. The consideration of whether it is inappropriate with respect to the Green Belt designation is a separate matter. To say that the pitches are not appropriate because the development is inappropriate in the Green Belt, as the Council does in its officer report, would mean that this criterion could never be met by such development in the Green Belt.

Domination of nearest settled community (f)

24. I saw that Histon and Cottenham are large villages. In comparison, the cumulative size of the Gypsy and Traveller site, including these appeal sites and those others for my consideration, is negligible in this context, and it is located a reasonable distance from the settlements to ensure that there would be no dominance. In addition, I have seen no substantive evidence that the everyday needs of the residents would be at a level that would swamp local services and facilities. I am satisfied therefore that this criterion is met.

25. The Council suggested that this criterion is similar to criterion (g) regarding the unacceptable adverse impact on the countryside and landscape character. However, in my view these two elements are separate considerations, one regarding the relationship with surrounding settled communities (f) and the other the impact on the character and appearance (g).

Countryside and landscape character (g)

26. I have already found that the proposal will only have a minor harmful effect on the character and appearance of the area due to the loss of an open field. This would not be to such an extent to have an unacceptable adverse impact on the countryside and landscape character which policy H/22 seeks to avoid.

27. Therefore, for the reasons above I conclude that the proposals meet all the criteria of Policy H/22.

Other Considerations

Need for pitches

28. The parties agree in the Statement of Common Ground (SOCG) that there is a total need for 149 permanent pitches based on the Council's Gypsy and Traveller Accommodation Assessment completed in 2016 (GTAA) taking into account the Lisa Smith judgement and the change in definition of Gypsies and

Travellers in the PPTS. The GTAA identified only 29 vacant pitches at that time which leaves a considerable unmet need to which I give substantial weight.

Alternative sites

29. The Council also do not dispute that there are no vacant pitches on existing lawful sites. Furthermore, there are no allocated sites in South Cambridgeshire. This is reiterated in correspondence from the Gypsy and Traveller Liaison Officer (GTLO) stating that in the last seven years only 2 pitches have become available on the Council owned sites with 40-50 applications being made per pitch. It is apparent therefore that there is a lack of alternative sites.
30. The Council stated at the Hearing that the timescale for the emerging local plan would be adoption in 2025 but that was not guaranteed. It would be likely to make allocations in accordance with a new GTAA which has been commissioned. However, this is sometime in the future, and I give the lack of suitable and available alternative sites considerable weight.
31. Whilst this is a case of intentional unauthorised development, given the lack of alternative pitches I give this minor weight.

Personal circumstances

32. The occupiers of the site, which are part of the extended family group of existing residents would be as follows:

Appeal A

- Nathan Bowers and Leila Boswell and their two resident dependents
- John and Christine Price with four resident dependents
- Chasey Price
- Chasey (Junior) and Ocean Price with their two resident dependents
- Harry and Emma Price with their three resident dependents
- Danny and Nealy Price

Appeal B

- Alfie and Joleen Price with their five resident dependents
 - Bill and Josephine Price with their resident dependent
 - William and Lorna Price with four resident dependents
33. The residents confirmed at the Hearing that all the economically active members of the family travel all over the country for gardening work for 4-6 months of the year as well as attending Appleby Horse Fair. Others have ceased to travel due to ill health or remain at the site to look after children and other members of the family with health needs. The Council confirmed at the Hearing it is satisfied that all met the definition of Gypsy and Travellers in the PPTS, and I see no reason to disagree.
 34. I was presented with evidence regarding medical conditions for two of the residents living on pitches included in Appeal A which required them to have regular GP and hospital appointments. All residents though are registered with

local health facilities. A settled base would ensure continuing access to GP and hospital facilities. I therefore give significant weight to the identified health needs of the residents.

35. Much emphasis is placed on the need for the extended family to be together to provide mutual support. The GTLO reports that the Moor Drove site is well established and the residents settled. The majority are from the extended family of the Prices. The family members rely on each other for support, childminding, health needs and employment. There is a very positive family dynamic. There are complex and extensive personal circumstances which means the residents rely on each other for support. This is not disputed and matches the compelling evidence I saw and heard.
36. It was also confirmed at the Hearing that the nine children of school age across the two appeal sites are home schooled under the supervision of the GTLO and have been for a number of years. There is nothing to suggest that such home schooling could not occur on any site in another location, notwithstanding there is a lack of alternative sites. However, the children have been receiving the schooling for a while and the evidence suggests that there is a good and effective relationship with the GTLO.
37. Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. The children's best interests are a primary consideration. The best interests of the children would be served by the families continuing to reside at their long-established home and business base. Their needs are being met presently at this base. Should the appeal be dismissed, and the families required to vacate the site, they would be forced to either lead a roadside existence or double-up on pitches elsewhere. This would inevitably impact negatively on the children's education and wellbeing. In addition the loss of the mutual support provided by the extended family would also have a negative impact on the children's wellbeing. The best interests of the children is a factor that attracts significant weight.

Other Matters

38. The Council refers to Policies H/20 and H/21 of the Local Plan in its first reason for refusal. However, Policy H/20 allows for the safeguarding of sites with unrestricted planning permission for Gypsies and Travellers. The proposal would not conflict with that requirement. Policy H/21 states that if a need is identified for sites, then they will be sought as part of large scale new communities and significant major development sites. While the proposals before me would form an extension to a standalone site, I was not advised of any opportunity for sites as proposed under this policy to meet the identified need. Therefore neither policy has been determinative.

Whether the harm is clearly outweighed by other considerations

39. I have found that the development is inappropriate within the Green Belt and causes significant adverse harm to the openness and purposes of the Green Belt. These attract substantial weight. The development is also a case of intentional unauthorised development. However, given the circumstances I outline above this carries minor weight. The proposals would also cause minor harm to the character and appearance of the area which carries minor weight.

40. Set against this, I have found that there continues to be an unmet need within the District. In addition, the Council is unable to demonstrate an adequate supply and there are no alternative or available sites for the appellant and their family to move to. It is uncertain when any would be available in the future. Furthermore, it would be in the best interests of the children to remain on the appeal site. Moreover, the mutually supportive nature of the family relationships with existing families on the site both in terms of the health care and the needs of the children adds considerable weight.
41. I have had regard to the PPTS that states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances. The site would be occupied by a number of children having regard to Article 8 of the European Convention on Human Rights. If the appeals were to be dismissed then the families would revert to a roadside existence, where it would be difficult for the children to access facilities and support. I consider the best interest of the children would be to remain on the sites with access to educational and health facilities as well as support from extended family. This would provide a safe and secure base to access facilities, which, due to a lack of alternative sites, is not available elsewhere.
42. Therefore, in this instance, the matters I have identified above together, including the best interests of the child in both appeals, carry very great weight such that they clearly outweigh the harm to the Green Belt and other harm. Looking at the cases as a whole, I consider that very special circumstances exist which justify the development. As such there would be no conflict with the requirements of the Framework.
43. As the proposals would meet Green Belt policy, then the requirements of Policy H/22 are met and there would be no conflict in this respect. However, there would still be conflict with policies NH/8 and HQ1 of the Local Plan drawing them into conflict with the development plan as a whole. However, the material considerations I outline above, including the Framework, are sufficient to outweigh that conflict in this instance.

Conditions

44. The Council suggested three conditions for both appeals prior to the Hearing, however additional conditions were discussed at the Hearing. I have had regard to those conditions and considered them against the tests in the Framework and the advice in the Planning Practise Guidance (PPG), making such amendments as necessary to comply with those documents.
45. A condition restricting the development to be carried out in accordance with the approved plans is necessary to provide certainty. As the development has commenced on both appeals then a condition giving a timescale for commencement is not necessary.
46. There is justification for the sites to be occupied by Gypsies and Travellers to safeguard the supply of the sites for this purpose and as such a condition is necessary to restrict occupation. A personal condition is also necessary as although there is an outstanding need for Gypsy and Traveller pitches, the justification for the pitches being in this Green Belt location relates to the personal circumstances of the appellants and the particular relationships with the residents of the authorised pitches.

47. It is necessary to restrict the number of pitches and caravans to protect the character and appearance of the area. It is also reasonable to impose a condition to ensure that commercial activities do not take place on the sites and no vehicle over 3.5 tonnes is stationed, parked or stored on the sites to protect the character of the area and residents' living conditions.
48. Although I have considered the development on the basis of the submitted plans, a condition is imposed to ensure that details of the internal layout of the sites, means of foul and surface water drainage, external lighting and hard and soft landscaping are submitted, implemented and maintained to give the Council certainty as to how the development is implemented on the sites in an acceptable way and within a timely manner. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the matters outlined in this condition before the development commences. The condition will ensure that the development can be enforced against if the details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.
49. The Council has requested a condition restricting the use of the appeal site for five years as per the most recent appeal decision. However, as I have explained, that appeal site has a different relationship to the authorised pitches to those I am considering now and therefore there is no need for a temporary consent.

Conclusion

50. For the reasons given above I conclude that the appeals should be allowed.

Zoe Raygen

INSPECTOR

APPEARANCES FOR BOTH APPEALS

FOR THE LOCAL PLANNING AUTHORITY

Dean Scrivenor	Principal Planning Officer, South Cambridgeshire District Council
Phoebe Carter	Senior Planning Officer, South Cambridgeshire District Council
Amy Stocks	Senior Planning Officer, South Cambridgeshire District Council
Jake Thomas Mansfield	Apprentice Planning Officer, South Cambridgeshire District Council

FOR THE APPELLANTS

Phillip Brown	Planning Consultant
Sharon Price	Appellants' relative
Nathan Bowers	Appellant
John Price	Appellant
Chasey Price	Appellant
Chasey (Junior) Price	Appellant
Harry Price	Appellant
Danny Price	Appellant
Alfie Price	Appellant
William Price	Appellant

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Medical information regarding resident on Appeal A

CONDITIONS APPEAL A

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, amenity building elevations, post and rail fence, screen fence (PBA4) and a site layout plan.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than six pitches on the site and on these pitches hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Nathan Bowers and Leila Boswell and their resident dependents; John Price and Christine Price and their resident dependents; Chasey Price; Chasey (junior) Price and Ocean Price and their resident dependents; Harry Price, and Emma Price and their resident dependents; Danny Price and Nealy Price.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.

- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

CONDITIONS APPEAL B

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, site layout plan, post and rail fence, proposed amenity block, PBA4.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than three pitches on the site and on these pitches hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Alfie Price and Joleen Price and their resident dependents; Bill Price and Josephine Price and their resident dependent, William Price and Lorna Price and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 - 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 - 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of

landscape maintenance for a period of 5 years following initial planting;

3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
- ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

*****END OF CONDITIONS*****

Location Plan - Moor Drove, Histon



Plan Produced for: Philip Brown Associates Ltd

Date Produced: 17 Feb 2021

Plan Reference Number: TQRQM21048120735655

Scale: 1:1250 @ A4



Appeal Decisions

Hearing held on 9 January 2024

Site visit made on 9 January 2024

by **Zoe Raygen DipURP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal A Ref: APP/W0530/W/23/3322128

**Land east of Plot 2, Moor Drive, Histon, Cambridge, Cambridgeshire
CB24 9AN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chasey Price against the decision of South Cambridgeshire District Council.
 - The application Ref 21/01173/FUL, dated 17 February 2021, was refused by notice dated 17 November 2022.
 - The proposal is the change of use of land to a residential caravan site for 6 gypsy families, each with two caravans, including 6 No. amenity buildings and laying of hardstanding.
-

Appeal B Ref: APP/W0530/W/23/3322185

**Land east of Plot 5, Moor Drive, Histon, Cambridge, Cambridgeshire
CB24 9AN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bill Price against the decision of South Cambridgeshire District Council.
 - The application Ref 21/01172/FUL, dated 17 February 2021, was refused by notice dated 17 November 2022.
 - The proposal is the change of use of land to a residential caravan site for 3 gypsy families, each with two caravans, including no more than one static caravan/mobile home, together with 3 No. amenity buildings and laying of hardstanding.
-

Decision

1. Appeal A is allowed, and planning permission is granted for use as a residential caravan site for 6 gypsy families, each with two caravans, including 6 No. amenity buildings and laying of hardstanding at land east of Plot 2, Moor Drive, Histon, Cambridge, Cambridgeshire CB24 9AN in accordance with the terms of the application Ref 21/01173/FUL, dated 17 February 2021, subject to the conditions set out in the schedule to this decision notice.
2. Appeal B is allowed and planning permission is granted for use of land as a residential caravan site for 3 gypsy families, each with two caravans, including no more than one static caravan/mobile home, together with 3 No. amenity buildings and laying of hardstanding at land east of Plot 5, Moor Drive, Histon, Cambridge, Cambridgeshire CB24 9AN in accordance with the terms of the application Ref 21/01172/FUL, dated 17 February 2021, subject to the conditions set out in the schedule to this decision notice.

Preliminary Matters

3. The Government issued a revised version of the Planning Policy for Traveller Sites on the 19 December 2023 (the PPTS). The revision relates to the definition of Gypsies and Travellers contained in Annex 1 of the PPTS following recent case law¹. Parties had the opportunity to comment on this prior to the Hearing.
4. Since the application was determined, a revised National Planning Policy Framework (Framework) was published in December 2023. Policies that are material to this decision have not fundamentally changed and I have had regard to the latest version of the Framework and new paragraph numbers in reaching my decision.
5. The Council stated in its statement of case that the appeal sites are in a zone of high flood risk. However, it confirmed at the Hearing that this was not the case, and it was not pursuing the matter. I see no reason to disagree.
6. The two proposals are for different appeal sites within an established Gypsy and Traveller site which has nine authorised pitches² as well as four temporary pitches³. In addition, I saw at my site visit a number of unauthorised pitches including six which are the subject of appeals under my consideration⁴ heard at a Hearing on 10 January 2024 and these will be dealt with in a separate decision.
7. The Council has refused the two planning applications the subject of this appeal for the same reasons. I have therefore addressed both appeals in one decision as most of the issues are the same for both appeals. I have considered the appeal sites on their own merits and only considered the cumulative impact in association with each other and with those pitches which are authorised on a permanent basis. That is except for the six pitches which I have considered in a separate Hearing, and which are located in between the two sites the subject of these appeals. The appellant conceded at the Hearing it would be appropriate to include these in my consideration.
8. It was confirmed at the Hearing that the appellants and their families had been living at the appeal sites for some time. It was clear at my site visit that the pitches had already been provided. However, the layout of each is different to how the proposal is shown on the submitted layout plans, in terms of the location of the mobile homes and the provision of amenity buildings. The development is still essentially a proposal in the sense that it is far from being completed. What is for my consideration is as shown on the submitted plans and not any alternative development which has, or has alleged, to have taken place. Accordingly, I have considered the appeals on this basis.

Main Issues

9. The appeal sites are located within the Green Belt and the parties agree that by virtue of paragraph 16 of the PPTS the proposals would be inappropriate development. I concur and the proposal would conflict with the PPTS in this regard. In that context, the main issues for both appeals are:

¹ *Smith v SSLUHC & Ors [2022] EWCA (the Lisa Smith judgement)*

² APP/W0530/08/2067087 & APP/W0530/W/17/3183666

³ APP/W0530/23/3317545 (the 2023 decision)

⁴ APP/W0530/W/23/3318839, APP/W0530/W/23/3318840, APP/W0530/W/23/3318842, APP/W0530/W/23/3318843, APP/W0530/W/23/3318844 & APP/W0530/W/23/3318845

- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the purposes of including land within the Green Belt;
- The effect of the proposal on the character and appearance of the area;
- Whether the proposal complies with the requirements of Policy H/22 of the South Cambridgeshire Local Plan 2018; and
- Would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness and Purposes

10. The parties agree that the appeal sites were relatively open and being used for the storage of wood before works occurred. The proposals would see the siting of up to 18 caravans and 9 amenity buildings which would have a spatial and visual impact on openness.
11. However, I saw at my site visit that, due to local topography and the presence of dense field hedgerows, visibility into the site from public vantage points is minimal. Therefore in my view the impact on visual openness is only limited and localised.
12. The caravans and buildings would be single storey with a modest mass within large plots with space around the structures. Nevertheless, they, with the associated hardstanding covering most of the plots, would lead to a loss of spatial openness which would have a significant adverse effect on openness. Furthermore, due to the extent of the plots, they would encroach into the countryside.
13. Consequently, there would be conflict with Policy NH/8 of the South Cambridgeshire Local Plan 2018 (Local Plan) which requires development in the Green Belt not to have an adverse effect on openness. The proposals would also be contrary to the fundamental aim of Green Belt policy, contained in the Framework, to prevent urban sprawl by keeping land permanently open and one of the purposes to assist in safeguarding the countryside from encroachment. The parties agree that the proposals would not conflict with any of the other purposes of the Green Belt.

Character and appearance

14. The wider area within which the appeal sites are located is largely open fields with well-defined boundaries comprising hedgerows and trees. Since at least 2008, when planning permission was granted for 6 of the authorised pitches, there have been caravans on the site and these form part of the established character laid out in an L shape around access roads and comprising caravans, amenity buildings and surface storage on hardstanding.
15. The two proposals would be viewed as an extension of the authorised site by infilling an area within the existing L shape being development of a similar character and appearance. While they would increase the developed area leading to a loss of open field, the proposals, both themselves and together

with the existing permanent authorised and unauthorised pitches, would not breach the existing field line maintaining the integrity of the field structure. Furthermore, either in isolation or cumulatively, they would not be visible from public vantage points due to the existing landscape screening. I appreciate that a substantial belt of trees to the west has been removed. However, any views to the appeal sites from this location would be screened by the existing authorised pitches.

16. Some planting could help effectively integrate the additional plots within these two appeal sites. However, the containment of the site in the context of the authorised development means that that it would only be the loss of part of the open field that would lead to minor harm to the character and appearance of the area whether considered in isolation or cumulatively. However, this would result in the proposals not preserving or enhancing the character of the local rural area as required by Policy HQ/1 of the Local Plan. Furthermore, they would have an adverse effect on the rural character of the Green Belt contrary to Policy NH/8 of the Local Plan.
17. The Council also refers to Policy NH/9 of the Local Plan. However, this refers to the redevelopment of previously developed sites and infilling of the Green Belt, as defined by the Policy, neither of which is the case here.
18. I realise that I have found a different level of harm to that of the Inspector in the 2023 decision. However, that decision was in respect of pitches which are set apart from the authorised pitches with no direct relationship with them which is different to those proposed in the two appeals before me now.

Policy H/22

19. Policy H/22 of the Local Plan is regarding proposals for Gypsies and Traveller sites on unallocated land outside of development frameworks. It states that Planning permission will only be granted outside development frameworks and the Green Belt where it meets a number of criteria.
20. Sites within the Green Belt would need to comply with local and national policy and if considered acceptable would also need to comply with the criteria in the Policy. The Council agrees that the proposals meet criterion a regarding the need for the site and the lack of alternative sites. Although not contained in the Council's reason for refusal, in its statement of case it alleges conflict with criteria b, c, d, f and g. It reiterated this stance at the Hearing; therefore I have considered each in turn.

Accessibility (b)

21. The appeal sites are close to the settlements of Histon and Cottenham which have a range of services and facilities providing for the day to day needs of residents. There is a bus service which would give access to the settlements from a bus stop close to the appeal sites. The Council's primary concern is the lack of streetlighting along the footway which leads from the appeal sites to the villages. It is true this would make the journey on foot or cycle uninviting in the dark. However, I am also mindful that Policy C of the PPTS recognises that sites may need to be located in rural areas and the countryside. In addition, the occupants would, by definition, travel by caravan pulled by a vehicle. Although in the open countryside, this site is only a very short car journey to

Histon and Cottenham. I am satisfied therefore that there is no conflict with this criterion.

Pressure on services and facilities (c)

22. No evidence was presented by the Council to suggest that local services are under pressure. I am aware that the residents have been on site for a number of years and are registered with local health facilities. Furthermore, the majority of the children are home schooled. On the evidence before me therefore there is nothing substantive to indicate that the needs of residents could not be met appropriately by local facilities and services.

Number and nature of pitches (d)

23. I consider that the number and nature of the pitches is appropriate to the site size and location given my findings above regarding the character and appearance of the area. The consideration of whether it is inappropriate with respect to the Green Belt designation is a separate matter. To say that the pitches are not appropriate because the development is inappropriate in the Green Belt, as the Council does in its officer report, would mean that this criterion could never be met by such development in the Green Belt.

Domination of nearest settled community (f)

24. I saw that Histon and Cottenham are large villages. In comparison, the cumulative size of the Gypsy and Traveller site, including these appeal sites and those others for my consideration, is negligible in this context, and it is located a reasonable distance from the settlements to ensure that there would be no dominance. In addition, I have seen no substantive evidence that the everyday needs of the residents would be at a level that would swamp local services and facilities. I am satisfied therefore that this criterion is met.

25. The Council suggested that this criterion is similar to criterion (g) regarding the unacceptable adverse impact on the countryside and landscape character. However, in my view these two elements are separate considerations, one regarding the relationship with surrounding settled communities (f) and the other the impact on the character and appearance (g).

Countryside and landscape character (g)

26. I have already found that the proposal will only have a minor harmful effect on the character and appearance of the area due to the loss of an open field. This would not be to such an extent to have an unacceptable adverse impact on the countryside and landscape character which policy H/22 seeks to avoid.

27. Therefore, for the reasons above I conclude that the proposals meet all the criteria of Policy H/22.

Other Considerations

Need for pitches

28. The parties agree in the Statement of Common Ground (SOCG) that there is a total need for 149 permanent pitches based on the Council's Gypsy and Traveller Accommodation Assessment completed in 2016 (GTAA) taking into account the Lisa Smith judgement and the change in definition of Gypsies and

Travellers in the PPTS. The GTAA identified only 29 vacant pitches at that time which leaves a considerable unmet need to which I give substantial weight.

Alternative sites

29. The Council also do not dispute that there are no vacant pitches on existing lawful sites. Furthermore, there are no allocated sites in South Cambridgeshire. This is reiterated in correspondence from the Gypsy and Traveller Liaison Officer (GTLO) stating that in the last seven years only 2 pitches have become available on the Council owned sites with 40-50 applications being made per pitch. It is apparent therefore that there is a lack of alternative sites.
30. The Council stated at the Hearing that the timescale for the emerging local plan would be adoption in 2025 but that was not guaranteed. It would be likely to make allocations in accordance with a new GTAA which has been commissioned. However, this is sometime in the future, and I give the lack of suitable and available alternative sites considerable weight.
31. Whilst this is a case of intentional unauthorised development, given the lack of alternative pitches I give this minor weight.

Personal circumstances

32. The occupiers of the site, which are part of the extended family group of existing residents would be as follows:

Appeal A

- Nathan Bowers and Leila Boswell and their two resident dependents
- John and Christine Price with four resident dependents
- Chasey Price
- Chasey (Junior) and Ocean Price with their two resident dependents
- Harry and Emma Price with their three resident dependents
- Danny and Nealy Price

Appeal B

- Alfie and Joleen Price with their five resident dependents
 - Bill and Josephine Price with their resident dependent
 - William and Lorna Price with four resident dependents
33. The residents confirmed at the Hearing that all the economically active members of the family travel all over the country for gardening work for 4-6 months of the year as well as attending Appleby Horse Fair. Others have ceased to travel due to ill health or remain at the site to look after children and other members of the family with health needs. The Council confirmed at the Hearing it is satisfied that all met the definition of Gypsy and Travellers in the PPTS, and I see no reason to disagree.
 34. I was presented with evidence regarding medical conditions for two of the residents living on pitches included in Appeal A which required them to have regular GP and hospital appointments. All residents though are registered with

local health facilities. A settled base would ensure continuing access to GP and hospital facilities. I therefore give significant weight to the identified health needs of the residents.

35. Much emphasis is placed on the need for the extended family to be together to provide mutual support. The GTLO reports that the Moor Drove site is well established and the residents settled. The majority are from the extended family of the Prices. The family members rely on each other for support, childminding, health needs and employment. There is a very positive family dynamic. There are complex and extensive personal circumstances which means the residents rely on each other for support. This is not disputed and matches the compelling evidence I saw and heard.
36. It was also confirmed at the Hearing that the nine children of school age across the two appeal sites are home schooled under the supervision of the GTLO and have been for a number of years. There is nothing to suggest that such home schooling could not occur on any site in another location, notwithstanding there is a lack of alternative sites. However, the children have been receiving the schooling for a while and the evidence suggests that there is a good and effective relationship with the GTLO.
37. Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. The children's best interests are a primary consideration. The best interests of the children would be served by the families continuing to reside at their long-established home and business base. Their needs are being met presently at this base. Should the appeal be dismissed, and the families required to vacate the site, they would be forced to either lead a roadside existence or double-up on pitches elsewhere. This would inevitably impact negatively on the children's education and wellbeing. In addition the loss of the mutual support provided by the extended family would also have a negative impact on the children's wellbeing. The best interests of the children is a factor that attracts significant weight.

Other Matters

38. The Council refers to Policies H/20 and H/21 of the Local Plan in its first reason for refusal. However, Policy H/20 allows for the safeguarding of sites with unrestricted planning permission for Gypsies and Travellers. The proposal would not conflict with that requirement. Policy H/21 states that if a need is identified for sites, then they will be sought as part of large scale new communities and significant major development sites. While the proposals before me would form an extension to a standalone site, I was not advised of any opportunity for sites as proposed under this policy to meet the identified need. Therefore neither policy has been determinative.

Whether the harm is clearly outweighed by other considerations

39. I have found that the development is inappropriate within the Green Belt and causes significant adverse harm to the openness and purposes of the Green Belt. These attract substantial weight. The development is also a case of intentional unauthorised development. However, given the circumstances I outline above this carries minor weight. The proposals would also cause minor harm to the character and appearance of the area which carries minor weight.

40. Set against this, I have found that there continues to be an unmet need within the District. In addition, the Council is unable to demonstrate an adequate supply and there are no alternative or available sites for the appellant and their family to move to. It is uncertain when any would be available in the future. Furthermore, it would be in the best interests of the children to remain on the appeal site. Moreover, the mutually supportive nature of the family relationships with existing families on the site both in terms of the health care and the needs of the children adds considerable weight.
41. I have had regard to the PPTS that states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances. The site would be occupied by a number of children having regard to Article 8 of the European Convention on Human Rights. If the appeals were to be dismissed then the families would revert to a roadside existence, where it would be difficult for the children to access facilities and support. I consider the best interest of the children would be to remain on the sites with access to educational and health facilities as well as support from extended family. This would provide a safe and secure base to access facilities, which, due to a lack of alternative sites, is not available elsewhere.
42. Therefore, in this instance, the matters I have identified above together, including the best interests of the child in both appeals, carry very great weight such that they clearly outweigh the harm to the Green Belt and other harm. Looking at the cases as a whole, I consider that very special circumstances exist which justify the development. As such there would be no conflict with the requirements of the Framework.
43. As the proposals would meet Green Belt policy, then the requirements of Policy H/22 are met and there would be no conflict in this respect. However, there would still be conflict with policies NH/8 and HQ1 of the Local Plan drawing them into conflict with the development plan as a whole. However, the material considerations I outline above, including the Framework, are sufficient to outweigh that conflict in this instance.

Conditions

44. The Council suggested three conditions for both appeals prior to the Hearing, however additional conditions were discussed at the Hearing. I have had regard to those conditions and considered them against the tests in the Framework and the advice in the Planning Practise Guidance (PPG), making such amendments as necessary to comply with those documents.
45. A condition restricting the development to be carried out in accordance with the approved plans is necessary to provide certainty. As the development has commenced on both appeals then a condition giving a timescale for commencement is not necessary.
46. There is justification for the sites to be occupied by Gypsies and Travellers to safeguard the supply of the sites for this purpose and as such a condition is necessary to restrict occupation. A personal condition is also necessary as although there is an outstanding need for Gypsy and Traveller pitches, the justification for the pitches being in this Green Belt location relates to the personal circumstances of the appellants and the particular relationships with the residents of the authorised pitches.

47. It is necessary to restrict the number of pitches and caravans to protect the character and appearance of the area. It is also reasonable to impose a condition to ensure that commercial activities do not take place on the sites and no vehicle over 3.5 tonnes is stationed, parked or stored on the sites to protect the character of the area and residents' living conditions.
48. Although I have considered the development on the basis of the submitted plans, a condition is imposed to ensure that details of the internal layout of the sites, means of foul and surface water drainage, external lighting and hard and soft landscaping are submitted, implemented and maintained to give the Council certainty as to how the development is implemented on the sites in an acceptable way and within a timely manner. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the matters outlined in this condition before the development commences. The condition will ensure that the development can be enforced against if the details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.
49. The Council has requested a condition restricting the use of the appeal site for five years as per the most recent appeal decision. However, as I have explained, that appeal site has a different relationship to the authorised pitches to those I am considering now and therefore there is no need for a temporary consent.

Conclusion

50. For the reasons given above I conclude that the appeals should be allowed.

Zoe Raygen

INSPECTOR

APPEARANCES FOR BOTH APPEALS

FOR THE LOCAL PLANNING AUTHORITY

Dean Scrivenor	Principal Planning Officer, South Cambridgeshire District Council
Phoebe Carter	Senior Planning Officer, South Cambridgeshire District Council
Amy Stocks	Senior Planning Officer, South Cambridgeshire District Council
Jake Thomas Mansfield	Apprentice Planning Officer, South Cambridgeshire District Council

FOR THE APPELLANTS

Phillip Brown	Planning Consultant
Sharon Price	Appellants' relative
Nathan Bowers	Appellant
John Price	Appellant
Chasey Price	Appellant
Chasey (Junior) Price	Appellant
Harry Price	Appellant
Danny Price	Appellant
Alfie Price	Appellant
William Price	Appellant

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Medical information regarding resident on Appeal A

CONDITIONS APPEAL A

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, amenity building elevations, post and rail fence, screen fence (PBA4) and a site layout plan.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than six pitches on the site and on these pitches hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Nathan Bowers and Leila Boswell and their resident dependents; John Price and Christine Price and their resident dependents; Chasey Price; Chasey (junior) Price and Ocean Price and their resident dependents; Harry Price, and Emma Price and their resident dependents; Danny Price and Nealy Price.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of landscape maintenance for a period of 5 years following initial planting;
 3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details 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 scheme shall have been approved by the Secretary of State.

- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

CONDITIONS APPEAL B

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, site layout plan, post and rail fence, proposed amenity block, PBA4.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) There shall be no more than three pitches on the site and on these pitches hereby approved no more than two caravans, shall be stationed at any time, of which only one shall be a static caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended.
- 4) The use hereby permitted shall be carried out only by the following: Alfie Price and Joleen Price and their resident dependents; Bill Price and Josephine Price and their resident dependent, William Price and Lorna Price and their resident dependents.
- 5) 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 of the requirements set out in i) to iv) below:
 - i) Notwithstanding the details shown on the site layout plan, and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted to and approved in writing by the local planning authority:
 - 1. the internal layout of the site including the extent of the residential pitch/es, the location of the caravans and vehicle parking, any buildings, hard standings and external lighting;
 - 2. hard and soft landscaping scheme including means of enclosure and surfacing materials, details of any trees, shrubs and hedges to be planted and a schedule of

landscape maintenance for a period of 5 years following initial planting;

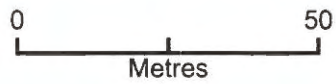
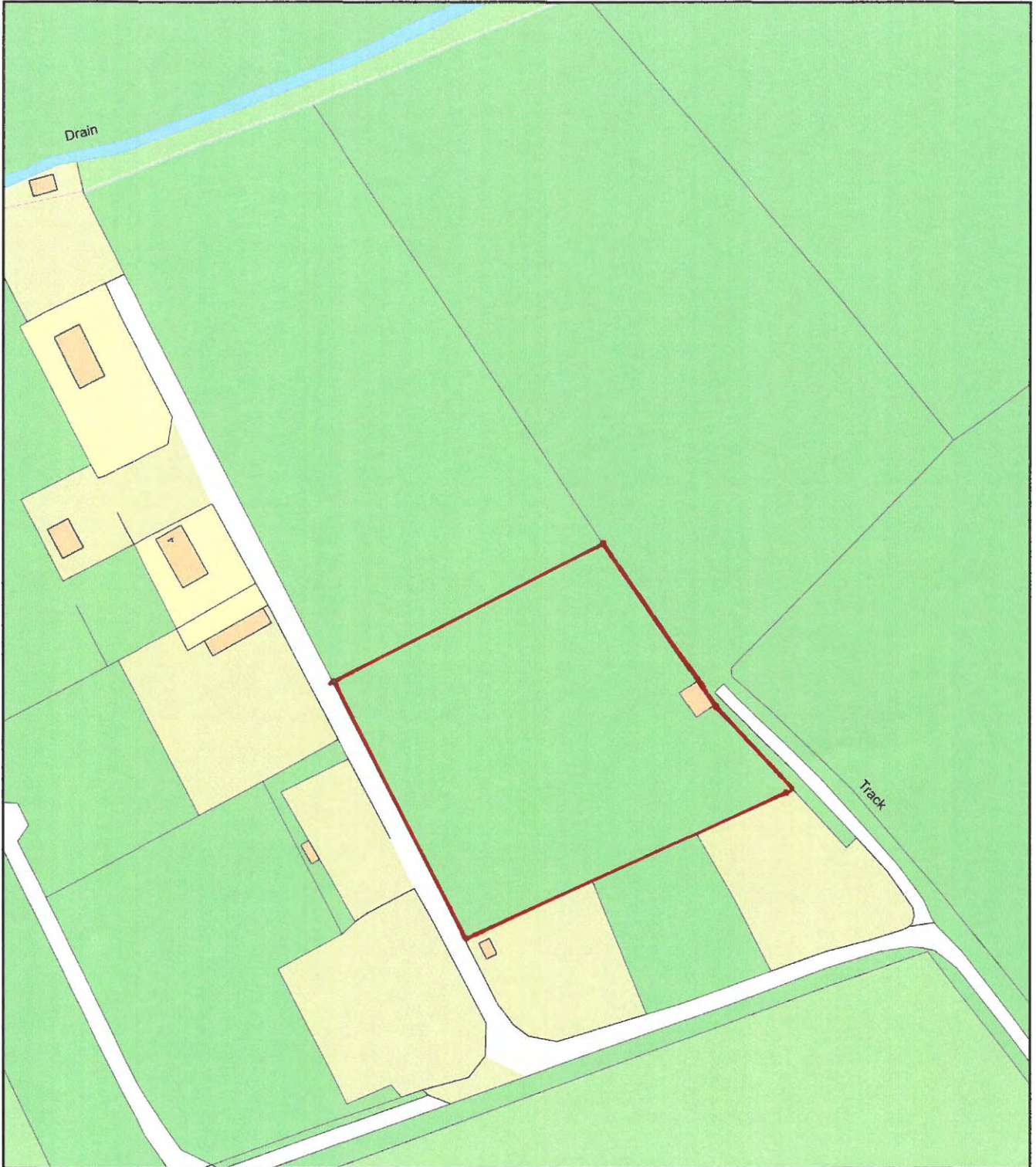
3. the means of foul and surface water drainage of the site; and
 4. a timetable for the implementation for the Site Development Scheme.
- ii) If within 8 months of the date of this decision the local planning authority refuse to approve the scheme or details or fail to give a decision within the prescribed 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No commercial activities shall take place on any part of the site, including the storage of materials and goods.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

*****END OF CONDITIONS*****

Location Plan - Moor Drove, Histon



Plan Produced for: Philip Brown Associates Ltd

Date Produced: 17 Feb 2021

Plan Reference Number: TQRQM21048120735655

Scale: 1:1250 @ A4



Appeal Decision

Hearing held on 20 June 2023

Site visit made on 20 June 2023

by **Mrs H Nicholls FdA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st July 2023

Appeal Ref: APP/W0530/W/23/3317545

Land at Moor Drove, Cottenham Road, Histon CB24 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr William Connors against the decision of South Cambridgeshire District Council.
- The application Ref 21/01618/FUL, dated 9 April 2021, was refused by notice dated 25 January 2023.
- The development proposed is change of use of land to create 4 Gypsy/Traveller pitches comprising the siting of 4 mobile homes, 4 touring caravans, and installation of 4 cesspits.

Decision

1. The appeal is allowed and planning permission is granted for change of use of land to create 4 Gypsy/Traveller pitches comprising the siting of 4 mobile homes, 4 touring caravans, and installation of 4 cesspits at Land at Moor Drove, Histon, Cambridge, in accordance with the terms of the application, Ref 21/01618/FUL, dated 9 April 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. It was indicated that the Appellant and the extended family have resided on the site since around early 2021. The site has been laid with hardsurfacing and timber fencing has been constructed around its boundaries. A number of caravans and shed structures are already in position on the land, though their number and position do not correlate with the proposed site plan. Whilst I have treated the change of use of land as retrospective on this basis, it was claimed that the works undertaken are either capable of being removed or replaced, subject to a site development scheme condition if necessary.
3. At the site visit, it became apparent that the land outlined in blue on the site location plan which is owned by the Appellant was being used as a storage site for waste metals and aggregate products and it does not appear that planning permission has been granted for such. The Appellant claimed that this land was imminently due to be transferred into separate ownership. This additional unauthorised use of land has been taken into account and my approach has been outlined in writing to the parties to avoid any prejudicial effects.
4. There are approximately 20 authorised caravans¹ occupied by Traveller families already at Moor Drove and a large number of others which also appear

¹ APP/W0530/A/08/2067087 and APP/W0530/W/17/3183666

unauthorised. I have considered the proposal on its own merits without consideration of the cumulative effects of any unauthorised pitches, as I have no certainty that permission would be forthcoming for them in any event.

Main Issues

5. The main issues are:

- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposal on the character and appearance of the area;
- the general need for pitches in the area;
- the personal needs of the Appellant and his extended family for accommodation;
- the personal circumstances of the Appellant and his extended family; and
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt Openness

6. The site and adjoining land owned by the Appellant extend to around 0.5 hectares. Both parcels of land are relatively flat and are located in the countryside between the villages of Histon and Cottenham. They are accessed from the B1049 by a private road, Moor Drove. Land to the north, south and west is generally open agricultural land.
7. The site and wider area are within the Cambridge Green Belt. The National Planning Policy Framework ('the Framework') sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence. The Planning Policy for Traveller Sites 2015 (PPTS) sets out that traveller sites in the Green Belt are inappropriate development and the parties agree that this proposal would, by definition, constitute inappropriate development in the Green Belt.
8. The Appellant acknowledges that, considered in a spatial context, there would be harm to the Green Belt's openness. However, the parties differ on the degree to which the visual dimension of openness of the Green Belt would be harmed by the proposal.
9. The authorised pitches in Moor Drove and extent of unauthorised infilling of spaces in between has eroded the degree of openness of the area immediately north and east. The introduction of caravans, hardstandings, vehicles and associated paraphernalia onto the site would inevitably harm the openness of the Green Belt. Mr Woods indicated that the close boarded fencing around the site could be altered for a post-and-rail enclosure, but this is likely to be of limited benefit to the degree of openness of the site with the number of structures that would be stationed upon it in any event.
10. The plans and aerial imagery of the area show a woodland belt running north-south immediately to the west of the site. Neither the Appellant nor Mr Woods could shed any light on when or why all but a couple of trees had been

removed, with those few left being sited predominantly near the southern boundary. The Council's claim that the screening benefit of these trees could not be relied upon has therefore been borne out through the actions of the respective owners of said land. Whilst this has made the area more 'open' in the truest sense of the word, it has exposed the urbanising effects of the caravans and domestic paraphernalia on the site, and by extension, all other occupied areas of Moor Drove.

11. The unauthorised use of the Appellant's land to the north of the site as a storage site has also resulted in harm to the openness of the area. The removal of all of this material would reinstate some of the degree of openness that is depicted in the plans, though it would not minimise the harm from the proposal itself.
12. The limited degree of public visibility of the effects has been raised on behalf of the Appellant. I acknowledge that Moor Drove is a private road and that there are no rights of way which pass close enough to the site to offer public views thereof. However, any landscaping that were capable of being introduced on the site and on adjoining land, were it retained by the Appellant, would not be able to mitigate against the harm, irrespective of the limited public viewpoints in the area.
13. The proposal therefore conflicts with the purposes of the Green Belt and would have a substantially adverse effect on openness, in conflict with the Framework, PPTS and Policy H/22 of the South Cambridgeshire Local Plan (2018) (Local Plan). This Policy seeks to ensure new Traveller sites are directed to sites outside of the Cambridge Green Belt in the first instance, unless compliance with National policy dictates otherwise. Such harm attracts substantial weight.

Character and appearance

14. For similar reasons to the effects on openness, the proposal would result in harm to the rural character and appearance of the generally flat and open area of countryside through an intensive form of urbanisation. These effects would be exacerbated by the now denuded quality of the land to the west; resulting in an abrupt transition between the urban and cluttered appearance of the site and the adjoining land. Having regard to the sizeable site size, the relatively well contained nature of the landscape, the number of caravans proposed, extent of hardstanding and amount of paraphernalia would result in considerable harm.
15. It was indicated that planning conditions could be used to secure additional landscaping to minimise the effects of the proposal, albeit acknowledging that caravans should not need to be entirely concealed from view such as to be perceived as being isolated from the receiving community. However, I consider that the space for effective landscaping as a means of visual screening is too limited and what was in existence that was effective has been removed. That is not to say that any tree or shrub planting would be pointless, as any degree of softening would be beneficial, but it would not materially benefit or reinstate any rural character or appearance the site may have once had.
16. The proposal would also be seen in context with at least the collection of authorised pitches at Moor Drove and consequently, would result in additional cumulative harms. I have also considered the effects from the unauthorised

storage use of the land immediately adjoining the site which has harmed the rural character and appearance of the area. Its removal would reduce the extent and degree of cumulative harms to be taken into consideration, and it is currently within the power of the Appellant to do so. The ability to plant additional trees on this land to further mitigate the visual harm from the appeal proposal has been cast into doubt by the Appellant's admission that the site would eventually be transferred into separate ownership, particularly given the timeframe for the establishment of such to achieve any tangible benefit.

17. Taking all these factors into consideration, the proposal would cause significant harm and therefore conflicts with Policies HQ/1 and NH/8 of the Local Plan. Collectively, these Policies seek to ensure that developments avoid adverse effects on the rural character and openness of the area. I also conclude that the harm would amount to the unacceptable adverse impact which is not permitted by Local Plan Policy H/22 relating to Traveller proposals.

Need for pitches

18. Annex 1 of the PPTS provides a definition of Gypsies and Travellers for the purposes of planning policy and those who meet the definition are said to have PPTS status. The Lisa Smith Judgement², dated 31 October 2022, concerned the status of travellers who have ceased to pursue nomadic lifestyles for reasons of ill health or old age in the context of this definition and found it to be, to an extent, discriminatory.
19. The Gypsy and Traveller Accommodation Assessment³ (GTAA) formed part of the Local Plan evidence base. The GTAA identified a need for -9 additional pitches for households that met the PPTS Annex 1 definition, up to 68 additional pitches for households with an 'unknown' PPTS status and up to 61 pitches for households that did not meet the definition for the period between 2016 - 2036. However, the 2016 GTAA has previously attracted criticism given the unresolved uncertainty about the level of need for pitches. In addition to this, the picture of need is likely to have changed in the six or more year period since the GTAA was published and the development plan policies do not clarify how the needs of those of an 'unknown' status should be addressed.
20. The Council's approach to delivery of Traveller sites under Policy H/21 of the Local Plan is to secure them through part of large scale new communities and significant major development sites. Alternatively, Policy H/22 is a criteria-based Policy that allows for new Traveller sites to be granted on unallocated sites outside of the defined development Frameworks and outside of the Green Belt where an adequate need has been demonstrated.
21. In terms of supply, in the absence of any specific allocations, the Council is reliant on the delivery of some pitches through large-scale schemes by way of Policy H/21, but could not provide a number of any granted or the yield expected for the remainder of the plan period. The yield of sites expected from windfall proposals is also unclear. Added to these factors is the acknowledgement from the Council's Gypsy Traveller Liaison Officer (GT Liaison Officer) that the Council's own sites, comprising a total of 32 pitches, have long

² Smith v SSLUHC & Ors [2022] EWCA Civ 1391

³ Cambridgeshire, King's Lynn & West Norfolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment, October 2016

waiting lists for pitches for which there is very low turnover with around 40 – 50 applications per pitch. There are issues of overcrowding at these sites.

22. The Council have agreed in the Statement of Common Ground (SoCG) that it cannot demonstrate a five year supply of deliverable sites for Travellers that meet the PPTS Annex 1 definition. The evidence supports this and, consequently, I find no reason to reach an alternative conclusion. In my view, the current level of unmet need appears to be substantial, considering the high number of 'unknowns' in the 2016 GTAA, the lack of policy allocations other than in Policy H/21 to address the need and taking into account the number of current unauthorised pitches at Moor Drove alone.
23. The PPTS indicates that where an up-to-date 5 year supply of deliverable sites cannot be demonstrated, this should be a significant material consideration when considering applications for the grant of temporary planning permission, with exceptions such as where sites are in the Green Belt. Even if the weight to be attributed to this consideration is suppressed by way of the site's location within the Green Belt, it does not change the current position that there is a high level of unmet need and lack of supply of sites. These factors help explain the Appellant's rationale for seeking an alternative solution to address his and the extended family's needs.
24. I was advised by Mr Hammond, that the Council have recently commissioned an updated GTAA, which should help provide a clearer picture of current needs. The replacement GTAA is intended to inform the development of policies in a new Local Plan, though the trajectory for the formulation of such is unclear and likely to be some way into the future.

Personal Needs

25. At the hearing, it was indicated that the Appellant's two brothers had also taken residence on the site in touring caravans. These are additional to the intended occupiers listed in the written evidence. Despite the addition of these occupants, no change to the maximum number of caravans was requested.
26. The occupiers of the site, treated as an extended family group, would therefore be as follows:
 - Mr William Connors, Mrs Bridget Connors and their two resident dependants, aged 4 and newly born. Mr William Connors travels for work as a landscaper.
 - Ms Josie Connors (the Appellant's mother) and her mother Bridget Connors, both of whom have ceased to travel due to their health and old age.
 - Ms Ann Marie Connors, a family friend, along with her six resident dependants aged between 7 and 19 years of age, and two of whom have specific health or additional needs. Ms Connors no longer travels due to being a single parent.
 - Ms Margaret McCarthy (the Appellant's cousin) along with her three resident dependants aged between 2 and 10 years of age.
 - Mr John Connors, the Appellant's brother, who travels for work as a landscaper, often with the Appellant.
 - Mr Larry Connors, the Appellant's other brother, who also travels for work as a landscaper.
27. The economically active members of the extended family clearly benefit from PPTS status. However, around half of the adult occupants have largely ceased

to travel due to old age, ill health or similar circumstances. The evidence indicates that the extended family support one another and wish to continue doing so. Therefore, I consider it appropriate to treat the needs of the members of the extended family together.

28. The Council is correct in asserting that the Appellant has not provided written evidence of an extensive search of sites, either within or outside of the Green Belt; a designation which covers approximately 25% of the District. However, the evidence outlines that prior to moving onto the appeal site, the extended family attempted to stay together either doubled up on other pitches, or living on the roadside, having been moved on regularly. The insufficient capacity at the Council's own sites has already been outlined and the Appellant highlighted that there would not be any pitch suitable for the extended family within either site in any event. The GT Liaison Officer's comments also indicate that options for Travellers to live with their community are very limited in South Cambridgeshire due to the general lack of sites.
29. In essence, the Appellant indicated that he knew of no sites that were available or likely to become available to him and the extended family. The site at Moor Drove was attractive because they knew other occupants in the wider family resident there and it is the only settled base to which they have access. The Council's evidence does not identify any tangible alternatives to the appeal site to counter the Appellant's position.
30. In view of the above, the Appellant and his extended family are in need of accommodation and there are presently no identifiable alternative pitches on public or privately-owned sites that would be available or suited to them.

Personal Circumstances

31. The Human Rights Act⁴ establishes a right to respect for private and family life and the Public Sector Equality Duty⁵ requires that a public authority must foster good relations between persons who share a relevant protected characteristic and those who do not. The United Nations Convention on the Rights of the Child, under Article 3, requires a child's best interests to be a primary consideration, and no other consideration must be regarded as more important or given greater weight than the best interests of any child.
32. The respective households forming part of the extended family have been outlined above and are all of Irish Traveller ethnicity. There are 9 resident children on site (under the age of 18), 2 of whom attend school already and 1 of whom attends a local pre-school. The family expressed a desire for all resident children to attend pre-school and primary school when they reach the relevant age.
33. Some members of the family have particular medical needs which involve the services of local medical practices, including the recent birth of a baby to the Appellant and his wife. The extended family wish to stay together to provide support to one another. Similarly, the extended family are linked to the resident families at Moor Drove. The GT Liaison Officer indicates that Moor Drove is well established and the residents are settled, with an overall positive family dynamic. The GT Liaison Officer also indicates that every child of school age is in full-time education, registered at the local doctors and that there are

⁴ Article 8 of the European Convention on Human Rights as enshrined in the Human Rights Act (1998)

⁵ Public Sector Equality Duty under the Equality Act, 2010

complex and extensive personal circumstances which means the residents rely on each other for support, such as for childminding, health needs and employment. There is also a weekly drop-in for Travellers nearby with the Council's Traveller Health Team in Cottenham. This service enables the Council to offer support across a wide range of issues, including where assistance with reading or writing is needed.

34. There would be advantages for the general wellbeing of the extended family by having a settled base and being able to provide a stable home and access to basic amenities and a range of local services, including schooling. This would be in the best interests of the 9 children. While similar benefits might be achieved on another settled site, no suitable alternative sites have been identified. Whilst a roadside existence does not preclude all access to education and health services, it is likely that a prolonged absence of a settled site would lead to serious disruption to access to education, health and other services for these children, without any certainty of suitable alternative accommodation becoming available.

Other Matters

35. The comments of the Parish Council refer to a requirement for details of foul drainage which could be addressed by way of planning condition. The request for a tree survey would appear incapable of effect now that the site itself is devoid of trees.
36. I have also considered the separate representation submitted anonymously about the significant numbers of residents at Moor Drove, though I can be less certain of the accuracy of the alleged number. However, as indicated, this proposal must be considered on its own merits with regard to only the existing lawful pitches at this time. I cannot be certain of any future permissions being granted. Consequently, at this stage, the total number of pitches and residents is not a cause for concern in terms of the dominance of the nearby settled community.
37. I have had regard to the ministerial statement on Green Belt protection and intentional unauthorised development⁶ which applies in this case given the unauthorised occupation of the site and the storage use on the adjoining land. This factor is a material consideration that also weighs against the development.

Whether Very Special Circumstances

38. The proposed development would conflict with Local Plan Policy H/22 and fail to accord with the Framework and PPTS by introducing inappropriate development into the Green Belt, undermining its purposes and substantially reducing its openness. In accordance with the Framework, substantial weight must be given to such harm to the Green Belt.
39. The development would also cause significant harm to the rural character and appearance of the area, contrary to Local Plan Policies HQ/1, NH/8, also bringing the development into conflict with Local Plan Policy H/22. The scheme is therefore contrary to the development plan, when considered as a whole.

⁶ Green Belt protection and intentional unauthorised development, 17 December 2015

40. The intentional unauthorised development is also a material consideration that weighs against the development.
41. The weight to be attached to the best interests of the children is no less than the substantial weight to be attached to the Green Belt harm. I have indicated that the best interests of the children would be served by them having a settled base and access to education and healthcare facilities.
42. The PPTS indicates that unmet need and personal circumstances are unlikely to form a significant material consideration in cases involving the Green Belt. There is currently no five year supply of deliverable PPTS sites and, by extension, an unmet need in the District. Given the uncertain policy response and timeline for implementing such, the unmet need is likely to persist for some while into the future. This factor, combined with the family's needs and circumstances, attracts great weight.
43. However, I find that the other considerations in this case, even when taken together, do not clearly outweigh the extent of the harm that I have identified. Consequently, the very special circumstances necessary to justify the development on a permanent basis do not exist.

Temporary Permission

44. Dismissing the appeal would have an adverse effect on the Appellant and his extended family, including the children, by pushing them towards a roadside existence or into overcrowded situation, making settled education and medical care more difficult.
45. It is evident that the outdated GTAA of 2016, the Council's admission of an inability to demonstrate a 5 year supply of deliverable sites and the commissioning of a new GTAA is part of the process of formulating an appropriate Policy response. Whilst the duration of such a process and end date for a completion are currently unknown, the parties agreed that a five year period would be sufficient for the Council to have a new local plan in place.
46. The harm to the openness of the Green Belt and character and appearance of the area would be reduced if the development were restricted to a temporary period of five years.
47. Consequently, though the other considerations do not indicate that a permanent permission should be granted, lack of a deliverable five year supply, unmet need and absence of alternatives, when combined with the personal need and circumstances of the Appellant and the extended family, particularly the best interests of 9 children, contribute to my finding that the other considerations clearly outweigh the identified harm so as to justify the development on a temporary basis. The very special circumstances necessary to justify development do therefore exist, albeit for only a temporary duration.
48. Whilst there would be interference with the Appellant and extended family's rights under Article 8 of the Human Rights Act, in my view, the protection of the public interest cannot be achieved by means which are any less interfering. The measures proposed are proportionate and necessary in the circumstances and would not result in a violation of said rights.

Conditions

49. In the interests of certainty, a condition stipulating the extent of the site and indicative layout is necessary, with any changes to the layout subject of a site development scheme condition.
50. The occupancy of the site should be restricted to the current Appellant and all of the other extended family members as their personal circumstances have contributed to my finding of very special circumstances. Furthermore, it should be for a temporary period of up to 5 years, with a requirement to re-instate the site afterwards. As the need for Traveller accommodation has also factored into my decision to grant a temporary permission, a condition is also necessary limiting occupancy of the site as such.
51. In the interests of the character and appearance of the area, a condition is necessary limiting the site to a total of four pitches, including 8 caravans of which no more than four shall be static caravans. For similar reasons, it is necessary to ensure that commercial vehicles are limited in number and size and that no storage of materials occurs on site.
52. As the land outlined in blue in the ownership of the Appellant is currently in unauthorised use, its reinstatement to its original condition would reduce some of the harms to openness and rural character. As this has already occurred, the form of the condition is such that it requires cessation of the use of the land on site should the actions required not be undertaken. Requiring the reinstatement of the adjoining land to its original condition would not be disproportionate to the five year duration of the permission.
53. To maintain the character and appearance of the site and avoid harm to the environment, a condition is also necessary to ensure that landscaping, including new planting and fencing, and the provision of surface and foul water drainage schemes are undertaken in accordance with details to be agreed. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met and is proportionate to the five year duration of the permission.

Conclusion

54. For the foregoing reasons, the appeal is allowed.

Hollie Nicholls
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr B Woods	WS Planning and Architecture
Mr William Connors	Appellant
Mrs Bridget Connors	Wife of the Appellant
Mrs Josie Connors	Mother of the Appellant
Mr John Connors	Brother of the Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Michael Hammond	Greater Cambridge Shared Planning Team
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SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan, Ref J003862-DD-01, dated March 21
 - As Proposed Site Plan, Ref J003862-DD-03, dated March 21
- 2) The use hereby permitted shall be carried out only by the following: Mr William Connors, Mrs Bridget Connors and their resident dependants; Ms Josie Connors; Ms Bridget Connors; Ms Ann Marie Connors and her resident dependants; Ms Margaret McCarthy and her resident dependants; Mr John Connors and Mr Larry Connors.

The use hereby permitted shall be for a limited period being the period of 5 years from the date of this decision. At the end of this period, or when the land ceases to be occupied by those named above, whichever occurs sooner, the use hereby permitted shall cease, and all caravans, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.
- 3) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 4) There shall be no more than four pitches on the site and eight caravans (of which no more than four shall be static caravans), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.
- 5) No commercial activities shall take place on the site or land outlined in blue, including the storage of materials.
- 6) No commercial vehicles exceeding 3.5 tonne shall be kept on the site or the adjoining land outlined in blue.
- 7) 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 of the requirements set out below:

Notwithstanding the details shown on Drawing No J003259-DD02/A and within 4 months of the date of this decision, a Site Development Scheme including the following details shall have been submitted for the written approval of the local planning authority:

 - caravan layout;
 - external lighting;
 - removal of all stored materials from the blue line area;
 - hard and soft landscaping scheme, including means of enclosure and surfacing materials, details of any trees, shrubs, and hedges to be

planted and a schedule of landscape maintenance for a period of 5 years following initial planting;

- details of both foul and surface water drainage and associated maintenance arrangements; and
- a timetable for implementation of the Site Development Scheme.

If within 8 months of the date of this decision 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.

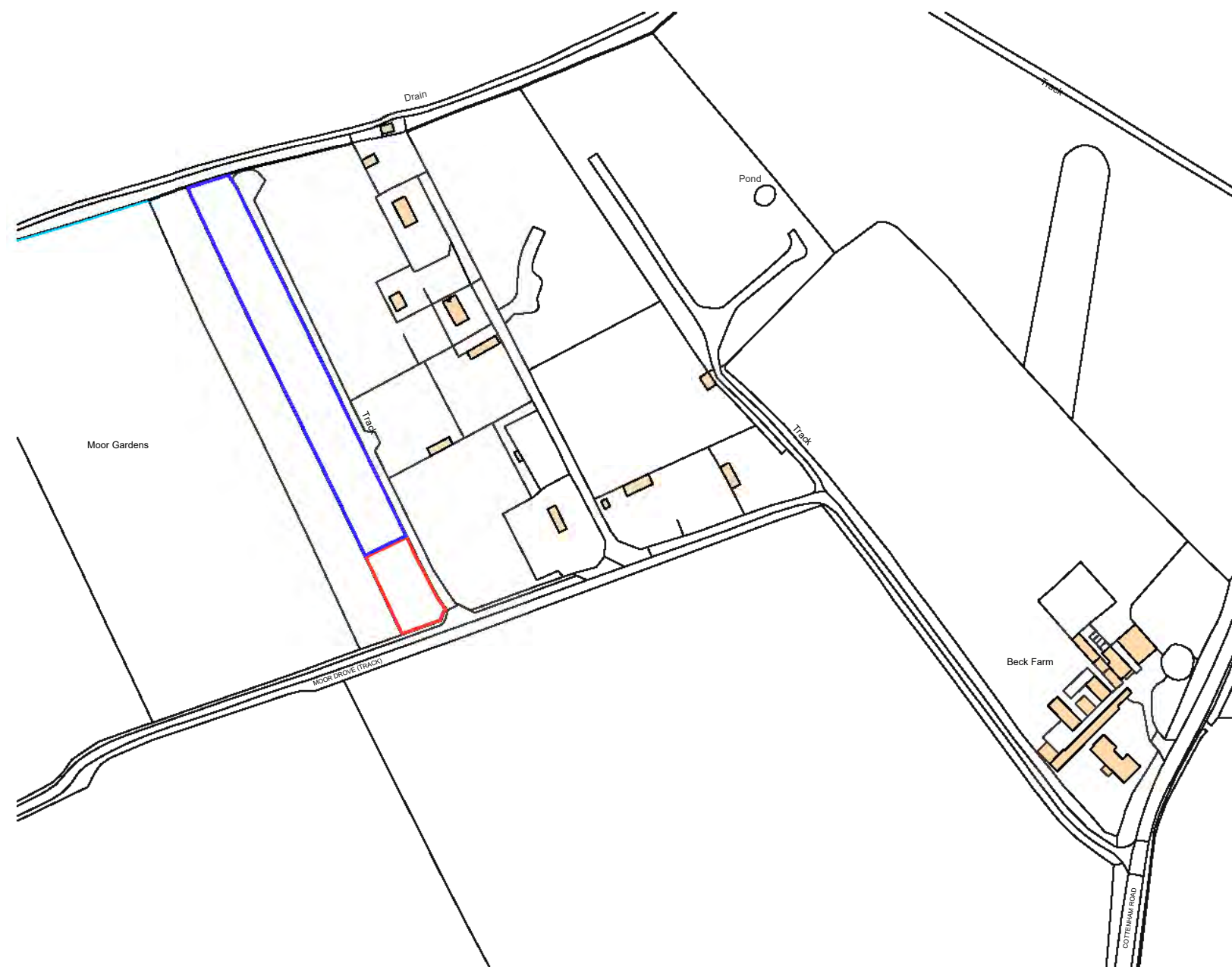
If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

End of Schedule



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Site Location Plan 1:2500



Rev	Date	Description
 WS PLANNING & ARCHITECTURE Europe House Bancroft Road, Reigate Surrey, RH2 7RP T. 01737 225711 F. 01737 226311 www.wspa.co.uk		
Date	March 2021	Drawn By MR
Scale	1:2500@A3	Checked BW
Client	Mr Connors	
Project	Land at Moor Drove, Cottenham Road, Histon Cambridge, CB24 9ET	
Title	Site Location Plan	
Drawing No.	J003862-DD-01	Rev.