



Appeal Decision

Inquiry held on 16, 17, 18 and 19 September 2014

Site visit made on 19 September 2014

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 1 December 2014

Appeal Ref: APP/K0235/A/13/2203836

Bromham Nursery, Bromham By-Pass, Bromham, Bedford MK43 8RG

- 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 Mrs Rita Jolley against the decision of Bedford Borough Council.
 - The application Ref 13/00070/FUL, dated 9 January 2013, was refused by notice dated 24 May 2013.
 - The development proposed is change of use of land to use as a residential caravan site for five gypsy families, with a total of 10 caravans, including 5 static mobile homes, laying of hardstanding, erection of 5 amenity blocks and installation of packaged sewage treatment plant.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The proposal is for a gypsy and traveller site but with no named occupants. Planning policies for gypsies and travellers apply including *Planning policy for traveller sites March 2012* (PPTS). The Government issued a document entitled *Consultation: planning and travellers (September 2014)* just before the start of the inquiry. It was not raised by the parties at the appeal. Given that it is a consultation document and it will be for Ministers to consider the responses and decide how to take its proposals forward, little weight can be given to its contents at this stage.
3. The Secretary of State (SoS) dismissed an appeal in relation to a traveller site in Bletsoe within the Bedford Borough Council area on 1 October 2014¹. The main parties have been given an opportunity to comment on that case, which I have taken into account in my decision.
4. The application was refused planning permission for five reasons relating to the sustainability of the location; highway safety; character and appearance; the environmental quality of the site; and flood risk. In advance of the inquiry the submission of further information led to the Council withdrawing its highway reason for refusal. Furthermore, a flood risk assessment (FRA) submitted by the appellant led to the Environment Agency withdrawing its objection on flood risk grounds and the Council not pursuing the related reason for refusal.

¹ Appeal decision ref: APP/K0235/A/12/2187276

5. Having regard to this background and the location of the appeal site adjacent to Hanger Wood Site of Special Scientific Interest (SSSI), the main issues are:
 - (1) Whether the site would be sustainable with regard to its general location and accessibility;
 - (2) the effect on the character and appearance of the area;
 - (3) whether the development would have an adverse effect on the Hanger Wood SSSI;
 - (4) whether the site would be of acceptable environmental quality, with particular reference to noise and contamination; and,
 - (5) the provision of, and need for, gypsy and traveller sites.

Reasons

Sustainability

Policy Context

6. The Council's Core Strategy and Rural Issues Plan April 2008 (CS) defines two policy areas – the Bedford Growth Area (GA) and the Rural Policy Area (RPA). As implied the GA is where most of the Borough's development is directed. Bromham and its surroundings lie within the RPA. Bromham is designated as a Rural Key Service Centre within the RPA by Policy CP15 of the CS. The site lies outside the Settlement Policy Area (SPA) of Bromham as defined by the Council's Allocations and Designations Local Plan 2013 (LP). Policy CP13 of the CS indicates that all land outside SPAs is defined as countryside and development will only be permitted if it would be consistent with national policy. Policy CP14 indicates that, where there is a proven need for development to be located in the RPA, most new development will be focused in or around the edge of key service centres.
7. In addition to the above policies dealing with the location of development outside SPAs and in the RPA, Policy CP9 relates specifically to accommodation for gypsies and travellers. CP9 indicates that where a need has been identified, planning permission will be granted for sites within or adjoining the urban area or SPA or, where no such sites are reasonably available or suitable for the use, in the countryside, subject to certain criteria being satisfied. These criteria, other than that related to justifying local need, are mainly site specific considerations which I will deal with later. Policy H26 of the Bedford Borough Local Plan 2002 (BBLP), which contains a presumption against housing in the open countryside, does not refer to gypsies and travellers. Therefore, it would not seem to me to be of relevance.
8. In terms of national policy, the National Planning Policy Framework (the Framework) taken as a whole constitutes the Government's view of what sustainable development means in practice for the planning system. The Framework requires that the supply of housing is significantly boosted but that the intrinsic character and beauty of the countryside should be recognised. PPTS advises that new traveller sites in open countryside that are away from existing settlements or outside areas allocated in the development plan should be strictly limited.
9. Putting to one side the question of need, the proposal would go against the spirit of the development plan's general policies that seek to protect the countryside from development (CP13 and CP14 of the CS in particular). But the above local and national policies that are more specific to the use proposed

do not prevent traveller sites being located in the countryside. In particular Policy CP9 permits sites in the countryside where no sites are available in or adjacent to the urban area or a SPA. The explanation to the policy recognises that available and affordable land within the urban area and SPAs is likely to be limited. The Council has not pointed to any other sites that are reasonably available or suitable within or adjoining the urban area or a SPA for the specific use proposed - a small private traveller site. The site that the Council is developing at Meadow Lane adjoins the urban area but is a public site of greater scale than the appeal proposal.

10. In terms of PPTS the appeal site would be a few hundred metres from the SPA of Bromham. Although not allocated for the proposed use I would not describe the appeal site as being "away from" the existing settlement. To my mind "away from" implies a degree of separation and isolation which would not result in this case. The Council's interpretation of "away from" as being any site beyond the settlement boundary, or not adjacent to it, would not be consistent with the approach taken in many appeal decisions². Indeed the Council was unable to provide an example of a decision which supported its stance. The policy context does not rule out the principle of a traveller site in this sort of location.

Accessibility

11. The appeal site is some 1km via the shortest route by foot from the convenience store and nearest bus stops in Bromham. Other facilities in the village such as the primary school, post office and village hall are further away. To walk by the quickest route there is a need to follow the uneven grass verge of the A428, an unlit 60mph road, cross the highway where a public bridleway meets the main road and then follow the unmade bridleway between housing estates. The shaded bridleway would be likely to be muddy for much of the year. Visibility at the point where the bridleway crosses the road is reasonable so that safe gaps in the traffic could be utilised. But the journey would not be without hazards, particularly outside daylight hours or when visibility is poor. It would also not be safe for unaccompanied children.
12. In terms of access to the site by bicycle, I would not describe the A428 as suitable for cyclists due to traffic speeds and the lack of any dedicated lanes. Travel by bus to Bedford or beyond would necessitate walking to the village by the route described. Although other modes of travel could be used from the appeal site, most journeys would be undertaken by private vehicle. That said the proposal would not be a significant development and would be located in an area where the opportunity to maximise sustainable transport solutions is more limited than in urban areas. Its location in relation to services would compare favourably with many other small gypsy and traveller sites.

Other Location and Accessibility Considerations

13. Paragraph 11 of PPTS, although directed towards plan-making, sets out some considerations that should be taken into account in ensuring that traveller sites are sustainable economically, socially and environmentally. The proposal would provide a settled base for five families, allowing access to health services and education and reducing the need for long distance travelling and

² See for example APP/Z2830/A/12/2175053 dated 28 February 2013 and APP/F4410/C/12/2177807 dated 8 March 2013 referred to by the appellant

unauthorised encampments. There is no evidence that future occupiers of the site could not co-exist peacefully with the local community, that the site would dominate Bromham or that local infrastructure and services, such as the primary school, could not cope with the small increase in population. I will consider the issues of local environmental quality and flood risk later in this decision.

14. I have had regard to the location and accessibility of the Council's existing and proposed public traveller sites at Kempston Hardwick and Meadow Lane. Kempston Hardwick lies within the GA, is on a bus route and is adjacent to a major urban extension so performs better than the appeal site. Although Meadow Lane lies adjacent to the GA it lies within the "countryside" and is some 1.9km from the nearest village, Cardington, which has limited services. There is the potential to access public transport and cycle routes on the A603 and elsewhere in the vicinity but that would necessitate walking or cycling along Meadow Lane which is an access road without pavements serving a sewage treatment works, abattoir and Bedford Town Football Club. I consider that the appeal site is comparable with the Meadow Lane site in terms of its general location and accessibility.

Conclusions on the issue

15. Whilst acknowledging the thrust of the Council's strategy to concentrate development in or adjacent to the GA and protect the countryside, through policies such as CP13 and CP14 of the CS, the current policy context does not rule out traveller sites in this sort of location. The site is within reasonable travelling distance of the convenience store, Bromham Primary School and other facilities within the village. There are tensions in considering accessibility in that such facilities could be reached by foot but access would not be convenient due to the intervening hazards. Car use would not be minimised. Therefore, whilst the proposal would satisfy criteria v) and vi) of Policy CP9 of the CS, it would not meet Policies CP2 vii) and CP29 of the CS or have full regard to criteria v) and vi) of Policy BE30 of the BBLP. However, notwithstanding its shortcomings, overall I conclude that, on balance, the proposal would be sustainable with regard to its general location and accessibility.

Character and Appearance

16. The triangular shaped appeal site (the main site) lies on the gentle valley slopes of a brook which runs below the northern boundary of the site. There is a belt of deciduous and coniferous planting between the site and the A428, along the banks of the brook and by the access track which also forms part of the appeal site. Hanger Wood, predominantly deciduous woodland, lies on rising ground to the east and south of the site beyond which is a plateau of arable farmland. The surface material of the access track to the site and the main site were stripped following work in early September (the September works). A mound of earth now runs along the south-east perimeter of the site adjacent to Hanger Wood, resulting from these recent operations.
17. The Landscape Character Assessment (LCA) for the Borough refers to the characteristics of the "Cranfield to Stagsden Clay Farmland Landscape Type and Character Area" within which the appeal site lies as comprising gently rolling landform with subtle valleys and plateaus. Despite the presence of the A428, the site and surroundings have a pleasant rural character which is clearly

- distinct from the land to the north of the main road. There is open land immediately to the north of the highway but the built-up area of Bromham dominates the landscape to the north of the by-pass.
18. The siting of 10 caravans, the stationing of vehicles, the erection of fencing and the existence of domestic paraphernalia such as washing lines, sheds and play equipment, would introduce features which would be alien to the rural landscape to the south of the A428, particularly when seen from the main road and other public routes to the north and west such as Stagsden Road. Lights in the caravans and any external lighting would be visible at dusk and during darker evenings. In particular the development would detract from the rural setting of the ancient woodland of Hanger Wood which is referred to as one of the areas of key sensitivity within the LCA.
 19. The site would benefit from the existing planting by the highway and brook, particularly during the summer months when deciduous trees would be in leaf. Hanger Wood would provide a backcloth to the development and would screen the site from the bridleway and other footpaths on higher ground to the east and south. Additional planting, including some coniferous trees and shrubs, could take place along the north-west boundary above the brook to help to supplement existing vegetation. Conditions could be imposed to control the type of fencing and external lighting provided on the site. In particular fencing required along the boundary with Hanger Wood could be green wire mesh with metal posts which would not be easily discernible against the wooded backcloth. Low level lighting would reduce the impact of the site outside daylight hours. The improvements to the access onto the A428 would not be intrusive.
 20. However, despite the softening elements of the existing landscape and the potential to control the details of site layout to limit its impact, including restricting the use of hard landscaping, such as high fences and walls, the development would still have an adverse impact on the rural landscape. That said, in accepting that many traveller sites will be in the countryside, it is acknowledged that many will have some adverse landscape impacts. It is a matter of determining whether the impact goes beyond acceptable bounds.
 21. In this case I conclude that the proposal would give rise to unacceptable harm to the character and appearance of the area which would be a factor which counts against the proposal. There would be conflict with criterion iii) of Policy CP9 as the siting of the development would not ensure that the impact upon the character and appearance of the locality would be minimised. The proposal would also be contrary to Policies CP2 v), CP23 and CP24 of the CS in that the development would not protect the quality and character of the landscape. Full regard would not be had to the relationship of the development with its landscape context as required by Criterion i) of Policy BE30 of the BBLP.

Hanger Wood SSSI

22. Hanger Wood SSSI is described as one of the best remaining examples of wet ash-maple ancient woodland in Bedfordshire. The southern and south-east boundaries of the access track and main appeal site are contiguous with the SSSI. The September works have led to earth being piled up against the woodland edge trees and damage to some of the lower peripheral vegetation on the route of the access track and adjacent to the main site. The post and rail boundary fence is buried in places by the spoil.

23. There is scope to provide fencing and a planting buffer where the appeal site borders the wood. At the inquiry the possibility of erecting 2m high green mesh fencing was discussed as was a 5m wide planted buffer. The fencing works would need to extend along the track and prevent access from the strip of land owned by the appellant to the south-west of the site. These measures would provide some protection for the ancient woodland. However, such measures were not put forward as part of the application and have not been formulated in any detail as part of the appeal proposal. As a result it has not been possible for me or consultees such as Natural England to fully consider their effectiveness, including the extent that they would rely on robust long-term management and maintenance regimes.
24. To my mind siting a residential development immediately adjacent to the SSSI would result in inevitable incursion into the woodland over time, notwithstanding any good intentions to safeguard the wood. This could occur through children and young people following their natural instinct to be inquisitive and explore; from domestic cats and dogs breaching the buffer and fence; by the dumping of rubbish over the fence; and through the possibility of fires damaging the vegetation. All these actions would have the potential to damage the natural environment of the woodland and also detract from the ability to work and manage the woodland in a positive manner. I note that the Habitat Survey that accompanied the application stated that "no people or domesticated animals should be allowed to enter" the wood. In view of the proximity of the site to the SSSI this stipulation would be difficult to achieve. It is unlikely that the bridleway on the other side of the woodland results in the same pressures that would arise from residential use.
25. Accordingly the proposal would be likely to have an adverse effect on the Hanger Wood SSSI. The proposal would be contrary to Policies CP2 ii) and CP25 of the CS and Policy BE30 (x) of the BBLP as the biodiversity of the Borough would not be protected and there would be adverse effects on the natural environment. In arriving at this conclusion the September works have not given me the confidence that the development would be carried out with due regard to the sensitivity of the SSSI.

Environmental Quality

Noise

26. The site is affected by traffic noise from the A428. Due to the gradients on the road vehicles, including lorries, need to pull up the hill when travelling east. The Council's assessment indicates that noise levels within parts of the external areas of the site, including some of the area intended for play space, would exceed recognised levels. In addition noise levels inside some of the caravans would also be an issue unless the construction of the caravans was controlled to ensure sufficient sound insulation.
27. I experienced traffic noise on the site itself around mid-morning when traffic would not have been at its heaviest. I did not find that noise levels were particularly intrusive. However, during peak traffic periods and night time hours, when people expect a quieter environment, the assessment indicates that noise would be more of an issue.

28. Whilst BS8233:2014³ recommends maximum internal and external noise levels, it does recognise that the guidelines will not always be achieved adjoining main roads. In such cases development should be designed to achieve the lowest practical noise levels. It would appear feasible to construct the caravans so that internal noise would be within maximum levels, providing particular attention was paid to weak points in the external envelope. It would be more difficult to reduce noise experienced outdoors on the site. However, in comparison the Council's Meadow Lane site will be affected by traffic noise from the A421 Trunk Road, a dual carriageway to the north. Although the noise assessment indicates that external noise levels, following mitigation, would be lower at Meadow Lane than those at the appeal site it seems to me that the noise environments would be similar. Moreover, based on my experience many gypsies and travellers will consider sites close to main roads in comparable situations to allow easy access to the highway network. The external noise environment would not be significantly adverse.
29. In coming to this view I have had regard to the controls that could be imposed through conditions. Additional planting could assist in reducing noise levels. The site contours could be restored to their previous state. Caravans could be provided with noise reduction properties beyond the norm. In addition the orientation of the static caravans could provide some additional noise reduction for the sitting out areas. These measures would assist in achieving the lowest practical noise levels. However, beyond that I am not satisfied that further controls would be necessary or reasonable. Barring touring caravans from using the site would change the nature of the proposal. Preventing touring caravans being used for sleeping accommodation would be difficult to enforce as tourers are habitually used for sleeping, particularly for teenagers. I am not persuaded that it would be essential to provide acoustic fencing given the other mitigation that could be put in place. Moreover, such fencing would have negative landscape impacts and would result in an enclosed site that would give the impression of isolation from the rest of the community.
30. I have also taken into account the relationship of existing housing in Bromham to the by-pass. This housing was permitted some time ago and noise levels and design criteria have changed. However, it would seem likely that the noise environment for the nearest houses' gardens would be comparable to those which would be experienced on the appeal site outside the caravans.

Contamination

31. The appeal site was previously used as a plant nursery. Two potential contamination risks have been identified – commercial pesticides which would have been, in all likelihood, stored, mixed and disposed of on the site; and the composition of the made ground on the site, including asbestos from structures demolished on the site or crushed building/demolition waste brought onto the site. It does not appear that significant material, such as demolition waste, has been imported onto the site recently, including during the September works, but material has been disturbed and moved around.
32. I consider that there is good reason to believe that contamination could be an issue. The appellant has not undertaken an investigation to ascertain the presence or otherwise of contamination on the site in accordance with the Planning Practice Guidance (PPG). Therefore, there is uncertainty as to

³ Guidance on sound insulation and noise reduction for buildings

whether the site contains contaminants that would impact on the health of future occupants, including children.

33. The appellant has suggested that the issue could be dealt with by conditions and refers to the fact that this course of action was suggested as a fallback by the Council's Environmental Health Officer in the absence of a desktop study. However, this advice departs from that contained in the PPG and other guidance. Without an investigation it is not possible to decide whether the site, including outside amenity areas, could be made safe for the sensitive residential use. There may also be implications for the deliverability of the site arising from any necessary remediation. With regard to the difficulties of using conditions in cases involving issues of potential land contamination, I note the Council's reference to the Technoprint case⁴ when it was found "unreasonable for planning permission to be granted when so many issues relating to potential land contamination were unresolved".

Conclusions on the issue

34. In conclusion the proposal would be acceptable in relation to its noise environment and would meet the requirements of Policy CP21 of the CS and meet criterion viii) of Policy BE30 of the BBLP in this regard. However, it has not been shown that the effects of land contamination have been dealt with satisfactorily. Therefore, the site would not be of acceptable environmental quality. So there is conflict with Policy CP21 of the CS as it has not been demonstrated that the development would mitigate against the effects of pollution, including land contamination.

Provision of, and need for, gypsy and traveller sites

Provision

35. There is only one existing permanent site within Bedford Borough. This comprises the public site at Kempston Hardwick which provides 22 pitches having been extended in February 2013 to provide an additional 6 pitches. The site that the Council is developing at Meadow Lane will provide a further 14 pitches by February 2015.
36. In terms of private sites, there is a temporary planning permission for 2 pitches on a site in Upper Staploe granted on appeal in December 2011. That permission expires in December 2014. At another private site at Bletsoe the temporary permission for 4 pitches expired on 23 June 2012. The appeal to extend the life of the permission was dismissed in October 2014 (paragraph 3 refers). An appeal decision to grant planning permission for 4 pitches in Roxton was quashed in the High Court in March 2014 and has yet to be re-determined. Therefore, as it stands there are no permanent private sites and only 2 pitches with a temporary permission that is to run out very soon.

Assessed Need

37. Set against this existing and proposed provision the Council published a Gypsy and Traveller Accommodation Assessment on 1 August 2012 (GTAA). The GTAA indicated that the Council's provision at Kempston Hardwick and Meadow Lane would meet the need for pitches up to 2021 and results in a five year supply of deliverable sites.

⁴ See Document LPA 10

38. The appellant criticised the GTAA for a number of reasons, points which were responded to by the Council. Although the analysis for the GTAA included a survey of all known households rather than a sample survey and was only conducted over a few days, this was a reasonable approach having regard to the small size of the population. The survey was backed up by the local knowledge of the Gypsy and Traveller Liaison Officer, particularly in relation to non-returns. Unauthorised and temporary sites were taken into account including any seasonal variations in occupancy. An allowance was included for those moving from bricks and mortar, taking into account trends over a reasonable period, and for a small amount of in-migration. Demographic changes were factored in, including household growth and formation.
39. In my judgement the GTAA, although containing some assumptions, represents a reasonable estimation of the specific need for the Borough as it was in 2012. The Examining Inspector into the LP found that the GTAA was a reasonable and robust assessment. My findings on the veracity of the GTAA are consistent with those of the SoS in the recent Bletsoe decision. The issues discussed at that appeal as summarised in paragraphs 240-247 of the Inspector's report appear to be similar to those put before me and I see no reason to conclude any differently on those matters.
40. The guidance on the preparation of GTAA⁵ recommends that both public and private tenures are considered in assessing need. Whilst the methodology and the Bedford GTAA itself did not intend to distinguish between tenure, it was not criticised for this omission when it was prepared or at the examination into the LP. In considering unauthorised and temporary sites, movements into and out of bricks and mortar and in-migration the GTAA did have some regard to a range of needs. However, the GTAA represented an assessment of the overall quantitative requirement and not an analysis of the type of sites that would be required. The GTAA needs to be considered with this limitation in mind.

Other Factors

41. Having regard to the above limitation there are a number of factors, apart from the GTAA, that should be taken into account in considering need.
42. Firstly, there remains a national, regional and Bedfordshire need for more traveller sites. Bedford Borough is not affected by Green Belt unlike other parts of the County and Region. Applications for private sites, including the appeal proposal and those at Roxton, Staploe and Bletsoe, are an expression of that need which goes beyond the boundaries of the Borough.
43. Secondly, the Council is meeting the need that it has identified through the provision of public sites only, in response to information about low income levels amongst the vast majority of travellers residing in the Borough. The PPTS promotes more private traveller site provision but no such permanent sites are provided in Bedford. The Framework indicates that local authorities should plan for a mix of housing.
44. Thirdly, consideration needs to be given to meeting the needs of different ethnic groups, including Romany Gypsies and Irish Travellers. There is a need to ensure compatibility between occupiers of sites to reduce the potential for conflict. Kempston Hardwick is almost exclusively occupied by English Romany

⁵ Gypsy and Traveller Accommodation Needs Assessments Guidance October 2007 DCLG

Gypsies. Pitches have not yet been allocated at Meadow Lane but if it is predominantly a Romany Gypsy site, little provision will be made in the Borough for Irish Travellers.

45. A further consideration is that Kempston Hardwick and Meadow Lane do not provide a choice of sites in terms of not only tenure, but also size and location. The Council is committed to delivering acceptable living conditions at the Meadow Lane site. The SoS in the Bletsoe appeal found that the site will provide a satisfactory answer to the area's unmet need for pitches from February 2015. Some families have already made applications to be housed at Meadow Lane.
46. But the Meadow Lane site is sandwiched between a main road, sewage treatment works and abattoir at the end of an industrial estate road. Residents will be affected by noise from the main road and smells from the treatment works and abattoir lairage. I experienced noise and smells at my site visits. There has been standing surface water on the site in the past. Moreover, the site gives the impression of being isolated from the rest of the community. Although the site is not yet completed and mitigation such as the raising of site levels, the provision of bunds, surface water works and landscaping has been, or is to be, provided, I share some of the concerns expressed by the Bletsoe Inspector about the environmental issues associated with Meadow Lane. This is despite the noise and odour assessments undertaken on behalf of the Council to demonstrate that living conditions on the pitches will technically be within acceptable bounds. Therefore, whilst providing a good number of additional pitches for rent, the particular characteristics of the site are unlikely to appeal to some families, including those looking for a small private site for an extended family or similar.
47. Finally, even if it is demonstrated that no particular need has been identified, it does not mean that no further sites should be permitted. One of the Government's aims, expressed through PPTS, is to increase the number of traveller sites in appropriate locations. The PPTS also advises that applications for sites from any travellers, not just those with local connections, should be determined. The Framework seeks to boost significantly the supply of housing. The assessed need should not be seen as a ceiling on provision.

Conclusions on the issue

48. The terms of Policy CP9 indicate that planning permission will be granted where a need has been identified through a GTAA and that evidence is required to justify local need. In this case the Council is broadly meeting its assessed need by the provision of public sites. No evidence has been presented to justify the site on the basis of a specific local need.
49. Nevertheless I conclude that the other factors that I have referred to point to a need for private sites in the area. These include the contents of PPTS which do not suggest that it is necessary to prove a local need or connections. In this respect the appellant argues that Criterion i) of Policy CP9 which was adopted several years before the publication of PPTS is not consistent with PPTS and should be given limited weight. Despite the conclusions of the SoS and Inspector in the Bletsoe decision and report that the policy should be given full weight, I can see some merit in the appellant's arguments on a strict interpretation of the policy. Moreover, whilst the Examining Inspector into the LP considered the issue of provision for gypsies and travellers and

acknowledged that applications would be determined against Policy CP9 it was not within his remit to test the soundness of the policy. The need for private sites is a consideration which weighs in favour of granting planning permission.

Other Issues

50. The proposal would increase the use of the existing access point but visibility is good in both directions. In addition there would be space for a vehicle approaching from a westerly direction to pass on the inside of another waiting to make a right turn. Movements or waiting by larger vehicles or those towing caravans in the carriageway would be infrequent and would be visible to oncoming traffic. The main parties now agree that the provision of a right turn lane is not necessary and I see no reason to take a different view, despite the concerns expressed by local people. Conditions could be imposed to improve the access point, ensure that any gates were set back an appropriate distance and that space would be available for a refuse vehicle to park clear of the carriageway.
51. The FRA carried out in October 2013 indicated that the site was then in Flood Zone 1. Since the FRA the September works have changed levels on parts of the site. However, I observed at the site visit that there had been no change in levels on the lower parts of the site closest to the brook. Therefore, subject to no reduction in levels taking place on the site, the development would not be at risk of flooding.
52. Surface water run-off could be attenuated so that it was limited to greenfield rates. As a result there would be no increase in the risk of the brook flooding downstream. The proposal includes a package sewage treatment plant which could be controlled by condition to ensure that foul drainage discharge would not cause pollution.
53. There is no evidence that the proposal would give rise to an increase in anti-social behaviour or crime in the area. There is sufficient separation between the site and nearby dwellings so that there would be no discernible impact on the living conditions of existing residents.

Conclusions

54. The proposal would have an unacceptable effect on the character and appearance of the area and would adversely impact on the Hanger Wood SSSI. In addition it has not been demonstrated that the site would be of acceptable environmental quality due to the likelihood of the presence of contaminated land. I have not found any other significant harm. I consider that sustainability in terms of location and accessibility is a neutral factor when balancing the Council's strategy of directing development to the GA and the limitations on the use of foot, cycle and bus journeys to access the site against the reasonable proximity to Bromham and the other sustainability benefits outlined in paragraph 13. In terms of factors in favour I attach considerable weight to the unmet need for small private sites nationally and in the region, county and district.
55. Balancing the need for sites against the site specific impacts my overall conclusion is that the appeal site is not suitable for the proposed use. There would be conflict with the development plan policies referred to in paragraphs 21, 25 and 34. Although conditions could mitigate the adverse impacts to an

extent I am not satisfied that the planning objections could be overcome. Moreover, as I have found likely adverse impacts on the SSSI, in accordance with paragraph 118 of the Framework, development should not normally be permitted. These environmental impacts would be overriding and would outweigh the social and other benefits of providing a settled base. Overall the proposal would not constitute sustainable development.

56. In arriving at my decision I have had due regard to the requirements of the Public Sector Equality Duty, in particular the need to eliminate discrimination, advance equality of opportunity and foster good relations between those with protected characteristics and others. However, having balanced the equality considerations and other benefits against the adverse impacts, the decision to dismiss the appeal is proportionate and justified.
57. The application sought permanent permission. No reference was made in the appeal documentation or at the inquiry to the possibility of a temporary permission as an alternative. Therefore, I have not gone on to consider such a prospect.
58. For the above reasons and having regard to all other matters raised, the appeal should be dismissed.

Mark Dakeyne

INSPECTOR

PLANS, PHOTOGRAPHS AND DOCUMENTS SUBMITTED AT THE INQUIRY

By the Council

LPA1 – Recent correspondence from Natural England (15 September 2014) and the Environment Agency (11 September 2014) relating to works carried out at the appeal site between 5 and 8 September 2014.

LPA2 – Extract from IAQM Guidance on the assessment of odour for planning, extract from Environment Agency H4 Guidance on assessing the levels of odour pollution and appropriate measures dated 2 September 2014 and wind rose for Bedford 2013.

LPA3 – Extract from BS 3632:2005 Residential park homes – Specification.

LPA4 – Landscaping details for Meadow Lane Gypsy and Traveller Site, Bedford.

LPA5 – Photographs of works carried out at the appeal site between 5 and 8 September 2014 and temporary stop notice relating to the appeal site dated 8 September 2014.

LPA6 – Recommended highway conditions and extracts from Design Manual for Roads and Bridges.

LPA7 – Gypsy and Traveller Needs Assessment Questionnaire 2012.

LPA8 – Gypsy and traveller counts January 2010 to July 2012.

LPA9 - Gypsy and traveller counts January 2012 to July 2014.

LPA10 – Technoprint v Leeds City Council [2010] EWHC 581 (Admin)

LPA11 – Photographs of the gate to the appeal site.

LPA12 – Gypsy and Traveller Allocations Policy for Authorised Sites.

LPA13 – Key Diagram from CS showing extent of Growth Area.

LPA14 – Revised recommended highway conditions.

LPA15 – LP Housing Policies H24 to H30.

LPA16 – Letter dated 18 September 2014 from Natural England.

LPA17 – CS Policy CP25 – Biodiversity.

LPA18 – E-mails relating to conditions to deal with noise reduction properties of caravans and restriction on touring caravans on the site.

LPA19 – Suggested condition relating to reinstatement of site levels.

LPA20 – Closing submissions by the Council.

By the appellant

PBA1 – BS 3632:2005 - Residential park homes – Specification.

PBA2 – Appeal decision ref: APP/W0530/A/12/2181439 dated 2 May 2014.

PBA3 – Appeal decisions refs: APP/W0530/A/12/2184929 & 2185676 dated 3 October 2013.

PBA4 - Noise assessment relating to appeal at Roxton dated August 2011.

PBA5 – Topographical Survey of the appeal site Drawing No: ALS6279/500/01 dated September 2013.

PBA6 – 1 in 1000 year flood level annotated on the topographical survey.

PBA7 – LP Proposals Map Inset 6 – Bromham.

PPA8 – Closing submissions by the appellant.

By interested parties

IP1 – Statement from Stagsden Parish Council.