

Head of Planning  
Uttlesford District Council  
Council Offices  
London Road  
Saffron Walden  
Essex  
CB11 4ER

21 September 2023

Dear Sir,

**RE: PROPOSED GYPSY CARAVAN SITE  
LAND WEST OF CHELMSFORD ROAD, FELSTED**

Please find enclosed completed planning application forms, plans and requisite fee in respect of the above-mentioned proposal.

**DESIGN & ACCESS STATEMENT**

**Use, Scale and Layout**

The proposal involves the material change of use of land to use as a residential caravan site for 5 gypsy families, each with two caravans, including no more than one static caravan/mobile home. The proposed scheme would also involve the laying of hardstanding, erection of a small utility building on each pitch and, construction of a new access. The development would be laid out as shown on the submitted Site Layout Plan.

The proposed mobile homes would be built using materials obtained from renewable sources, provide well-insulated and highly energy efficient accommodation, and be designed to fit into their semi-rural surroundings. The external walls of the mobile homes would be clad with vertical redwood, hardwood or red cedar boarding. Mobile homes would be supplied with a choice of lightweight, slate or tile roofs. They would be low-level structures of a simple, contemporary design which would sit within a spacious, well-landscaped setting.

## **Access**

Access would be from Chelmsford Road via a new site entrance provided with visibility splays of 2.4 metres x 132 metres. This will necessitate some removal of the existing roadside hedgerow and, setting back of a new hedgerow behind the visibility splay. It is to be noted that roadside verges are generally very wide along this part of Chelmsford Road and, the new hedgerow and verge would not appeal out of keeping with the existing street scene.

## **Planning Considerations**

The proposal for 5 gypsy pitches on the application site was examined in a recent appeal (APP/C1570/W/20/3263184) determined on 20 October 2022, in which the Inspector identified the main issues as comprising the following matters:

- *having regard to local and national development planning policy, whether the location of the proposal is appropriate, with particular regard to access to services and facilities;*
- *the effect of the proposal on the character and appearance of the countryside;*
- *whether a safe and suitable access can be achieved for all users;*
- *whether other material considerations, including the general need for and supply of gypsy sites, outweighs any harm identified, such as to justify the development.*

## **Preliminary Matters**

The National Planning Policy Framework (NPPF) puts the presumption in favour of sustainable development at the heart of both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay; or, if the policies which are most important for determining the application are out of date, granting planning permission unless, inter alia, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or, the application of policies in

the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

In the latter regard, the application site is not located within the Green Belt, or within a SPA, SSSI, local greenspace, Conservation Area, AONB or National Park. Furthermore, the proposed caravan site would not be located within an area shown on the Environment Agency's flood maps as being at high risk from flooding. In the absence of a specific local policy for the provision of gypsy sites, the appropriate test to be applied to the proposed development is ***"granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as whole"***.

The Development Plan comprises of the Uttlesford District Local Plan adopted in 2005. It does not contain any policies for the provision of gypsy and traveller sites and, therefore, is not consistent with the NPPF or *Planning policy for traveller sites* (PPTS). PPTS, in particular, sets out the Government's aims in respect of traveller sites which include, *inter alia*, local authorities developing fair and effective strategies to meet need through the identification of land for sites; promoting more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites; and to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply. It was agreed as part of the previous appeal that the "tilted balance" applies.

### **Appropriateness of the Location**

Policy C of *Planning policy for traveller sites* (PPTS) makes clear that gypsy sites can be appropriately located in rural and semi-rural areas. This advice is qualified by Policy H (paragraph 25) which states that gypsy sites should be very strictly controlled in the open countryside **away from** existing settlements. The term "away from" infers a significant degree of detachment such that the site may be considered to be isolated. This issue was examined in the previous appeal and, the Inspector concluded as follows:

*11. The site lies outside the development limits of Causeway End, Felsted, as defined in the Council's adopted Uttlesford Local Plan and is therefore located within the countryside. Saved Policy S7 of the seeks to protect the countryside*

*for its own sake and states that planning permission will only be given for development that needs to take place there or is appropriate to a rural area.*

*12. Policy S7 predates the Framework, which takes a more positive approach towards development in the countryside. The appellant argues the policy should be given limited weight because it does not specifically mention Gypsy and Traveller sites. It is notable that the policy does not refer to types of development, rather it takes a more general approach to development in the countryside.*

*13. The policy is partially consistent with the Framework in that it allows for some development in the countryside whilst also seeking to protect it. I therefore take the view that it should attract moderate weight.*

*14. PPTS in paragraph 25 states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Importantly the PPTS does not restrict traveller site provision in the rural area. This is a point the Council accepted in their oral evidence. Gypsy and Traveller site provision would therefore in principle, be appropriate in a rural area. The proposal would therefore be in compliance with saved Policy S7.*

*15. There is agreement between the parties that the appeal site, whilst being outside Causeway End, is not isolated. The proposal would not dominate the nearest settled community and would not put undue pressure on local infrastructure.*

*16. The appeal site lies about 1.6 km from Felsted. Here local services including a post office, general store, pharmacy, doctors' surgery and public house can be accessed. There was discussion at the hearing about how long it would take to walk to the village to access the majority of its facilities. Walking this distance would take up to 30 minutes, depending on walking speed. I noted on my site visit that the route has no footways and is unlit. The road is subject to the national speed limit, has several bends and vehicles travel at speed. Anyone walking would need to use the grass verge for safety reasons. In winter months the verge may be muddy and would not be ideal for the less mobile or a parent with a child in a pushchair. There is a primary school in Felsted however this is to the eastern end of the village approximately 3km walk.*

17. Having regard to the distances involved and the nature of the route, I conclude that walking would not be an attractive option and that occupants of the site would be likely to use the private car. I acknowledge that Felsted could be reached by cycling but again due to the nature of the road, the number of bends and traffic speeds, this may not be an option of choice for many.

18. In terms of public transport, I am advised that the nearest bus stop lies at the northern end of Chelmsford Road adjacent to Riche Close approximately 1.5 km away with just four buses a day running between Wethersfield and Chelmsford.

19. Paragraph 105 of the Framework recognises that the opportunities to maximise sustainable transport solutions will vary between rural and urban areas and this should be taken into account in decision making. Overall public transport is poor in this rural area and residents of the appeal site would be more likely to use the car to access higher order settlements. However, this degree of reliance on the private car is not uncommon in a rural area such as this and journeys to access day to day facilities would be short.

20. In summary, I conclude that the appeal site would form an acceptable location for gypsy and traveller accommodation with acceptable access to services and facilities. The proposal would therefore comply with the Framework, PPTS and saved Policy S7 of the Uttlesford Local Plan."

### **Access and Highway Safety**

The previous Inspector was provided with details of an agreed speed survey and, assessment of the appropriate visibility splays but, was critical of the lack of drawings to demonstrate that the required visibility splays could be achieved on site.

"28. Access to the appeal site is proposed from a new access from Chelmsford Road. The road is subject to the national speed limit of 60 mile per hour. It is agreed between the parties that following a traffic survey undertaken in 2019 to inform a previous planning application on the site, the 85th percentile traffic speed on this road is 49 mph (79 Kmh) in both directions. It is also agreed that at that speed, following the guidance in Manual for Streets 2, the Design Manual for Road and Bridges parameters should be used for the calculation of

*Stopping Sight Distances (SSD). This results in a desirable SSD of 144 metres and an absolute minimum SSD of 111.39 metres.*

*29. The submitted plans illustrate that a sight line of 2.4 metres by 120 metres would be achievable through setting back and replanting the boundary hedgerow. This would just exceed the absolute minimum SSD requirement. However, the plan submitted does not illustrate the full extent of the sight line. The Highway Authority have expressed concern that the sight line is not achievable, as they have been unable to measure this on site due to the presence of the existing hedgerow. The agent confirmed at the hearing that the landowner of the field to the south has agreed to the hedge being set back.*

*30. At the event, a further plan was submitted, which formed part of a previous proposal for residential development on the site, illustrating a sight line of 130 metres. This sight line would be below the desirable SSD but above the absolute minimum. The plan however is deficient in that it does not show the extent of the existing hedgerow or how it would be removed and set back.*

*31. Whilst an appropriate sight line at or above the absolute minimum SSD and at or below the desirable SSD, may be achievable, this has not been adequately demonstrated by the submitted plans and evidence."*

Attached with this application is a Technical Note which establishes, with drawings, that visibility splays of 2.4 metres x 144metres (the desirable SSD) can be achieved in each direction from the proposed site access. Furthermore, the access design is supported by swept-path analysis which demonstrates that vehicles can turn left when entering or leaving the site without crossing into the opposite side of the main carriageway. As such, the "*Technical Note : Access Considerations*" demonstrates that safe access can be provided to serve the proposed development.

Within paragraphs 34 and 35 of the appeal decision notice, the Inspector refers to the footway provision along the Chelmsford Road and, within paragraph 35, discusses the provision of a footway on either side of the site access to enable pedestrians to safely enter the verge to walk. She added "*A Grampian condition requiring the submission of a scheme and minor modification to the site access, could be imposed on any approval to address this matter*". Drawing

2210057/03, appended to the "*Technical Note : Access Considerations*", shows a footway either side of the site access and extending into the site, overcoming the footway concerns.

### **Effect of the proposal on the Character and Appearance of the Countryside**

The in-principle acceptability of gypsy sites in rural and semi-rural locations (as accepted in paragraph 20 of the Inspector's decision letter) has a number of inevitable consequences. Typically, traveller sites have a number of characteristic features which, depending on the particular setting, can be atypical in the countryside, such as: caravans, hardstandings, utility buildings, residential paraphernalia and lighting. As a result, some degree of visual impact must be expected and, if an adequate supply of gypsy sites is to be provided, some degree of visual harm must be acceptable.

The test for countryside harm must be whether the development causes unacceptable harm which cannot be made acceptable with additional landscaping. In this regard, paragraph 26 of Policy H makes clear that soft landscaping can positively enhance the environment, whereas sites should not be enclosed with so much hard landscaping that the impression is given that the site and its occupants are deliberately isolated from the rest of the community. This infers that, firstly, sites do not have to be adequately screened from the outset; secondly, that gypsy sites do not have to be hidden from view; thirdly, that sites can be assimilated into their surroundings to a sufficient degree using indigenous species; and fourthly, that it is to be expected that gypsy sites will be more visible in the winter months, when the leaves are off deciduous trees and shrubs.

In this case, the site is located on the edge of an existing village, rather than within open, undeveloped countryside. It is self-evident that sites not "*away from*" settlements are the Government's preferred locations and where gypsy sites are neither an uncommon or alien feature. There would be little point in the policy (Policy C of PPTS) accepting sites in principle within the countryside if the nature and appearance of caravans was considered to be inherently unsuitable to such locations.

In coming to her conclusion, that the factors in favour of the proposed development were clearly and significantly outweighed by the adverse effects, the Inspector gave "*substantial*" weight to the harm to highway safety but,

lesser, “significant” weight to the harm to the character and appearance of the countryside. In the latter regard, the Inspector makes the following observations:

*“22. The appeal proposal provides for 5 static mobile homes and 5 touring caravans sited around a short cul de sac. This density, layout and design with significant areas of hardstanding, would be inappropriate in this edge of settlement countryside location, urbanising this open and undeveloped site. Furthermore, the cul de sac layout would be at odds with the settlement pattern of Causeway End, with large houses in spacious landscaped plots in a linear form along Chelmsford Road.*

*26. The appeal site occupies an edge of settlement location. Its layout, appearance and design would result in the proposal having a discordant appearance in this countryside area, failing to respect the setting of the settlement.”*

The scheme has been re-designed to take into account the Inspector’s criticisms of the proposed layout, to reflect the existing pattern of development along Chelmsford Road. Although still served off a single access, the proposed caravan pitches have been laid out in a linear form along Chelmsford Road, with the proposed mobile homes located within spacious landscaped grounds. The two most southerly pitches have been arranged to provide an end-stop to ribbon development along Chelmsford Road.

The caravan pitches would be well set back from Chelmsford Road, behind a widened highway verge, native hedgerow planting and lawned gardens, in much the same way as existing houses and bungalows situated along the western side of Chelmsford Road. Apart from new hedgerow planting, proposals include tree planting which, together would screen and soften the development in the only public views of the site, which would be available at short range from Chelmsford Road. In this context, the proposed development would, in time, complement the verdant appearance of its semi-rural setting and, in my opinion, would not have an unacceptable adverse impact on the character or appearance of the locality.



## Other Material Considerations

Policy H of PPTS indicates that local planning authorities should consider the following issues amongst other relevant matters:

- (a) the existing level of local provision and need for sites;
- (b) the availability (or lack) of alternative accommodation for the applicants;
- (c) other personal circumstances of the applicant;
- (d) the locally specific criteria used to assess applications that may come forward on unallocated sites; and
- (e) determining applications for sites from any travellers and not just Those with local connections.

The Inspector made the following findings as to need and, the availability of alternative sites:

*"37. The Essex, Southend-on-Sea and Thurrock Gypsy and Traveller Accommodation Assessment (GTAA) 2018 found that there is no need for permanent pitches in the district during the period 2016-2033 for gypsies falling within the definition set out in Annex 1 to the PPTS. The GTAA does however consider that there is a need for 18 pitches over the same period for gypsies whose status is unknown or no longer fall within the definition.*

*38. The GTAA is now 4 years old. Its methodology is challenged by the appellant. I note the document was prepared on behalf of thirteen local authorities and I have no substantive evidence before me to suggest that it is flawed. Irrespective, the Council accept that it was now out of date and at the hearing the Council conceded that there was a need for Gypsy and Traveller provision in the District. I am advised that there is an existing gypsy site in Felsted providing 17 pitches which is thought to be fully occupied. There are also a number of private sites in the area, but these are unavailable to the appellant.*

*39. The fact that there is a need, yet there is no policy in the Local Plan, is a failure of local planning policy in the District. This need weighs in favour of the proposal."*

This decision pre-dates the Court of Appeal judgement in **Lisa Smith v. Secretary of State for Levelling Up, Housing & Communities [2022] EWCA Civ 1391**. This case concerns the acknowledged discrimination caused by the change to the definition of gypsy and traveller set out in Annex 1 of PPTS (2015) where the Court found that this discrimination was not justified by PPTS and was, therefore, unlawful. The 2018 GTAA distinguished between those that met the definition, those that did not satisfy the definition and, those whose status was unknown. Clearly, this has potentially unlawfully discriminated against those that were found not to satisfy the definition and, a large proportion of the unknowns. Inspectors on appeal are now having to take into account the whole of the identified need which, in Uttlesford, is for a minimum of 18 pitches over the assessment period.

In addition to the significant unmet need for gypsy sites in the District, the Council is unable to demonstrate a five-year supply of deliverable land and, the development plan lacks a policy to remedy this situation. The unmet need, absence of alternative sites, absence of a five-year supply and failure of the development plan to meet the identified need relate separately to past failings, current need and shortages of supply, and expected future shortcomings of supply and policy. They are material considerations which weigh separately and cumulatively in favour of this application.

In my opinion, any adverse impacts on the character or appearance of this area do not outweigh the benefits of the proposed development. For the above reasons, I respectfully request that planning permission be granted but, if you require any further information in support of this application please do not hesitate to email me your requirements.

Kind regards,



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