

**URGENT BUSINESS AND SUPPLEMENTARY INFORMATION****Planning Committee****14 November 2019**

Agenda Item Number	Page	Title	Officer Responsible	Reason Not Included with Original Agenda
13.	(Pages 1 - 3)	Written Updates	Sarah Stevens, Interim Senior Manager Development Management	Information received after agenda publication

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ADDENDUM TO APPEALS PROGRESS REPORT

Piddington Appeal Decision Summary

Members will have noticed that on page 136 of the agenda that the summary of the Piddington appeal decision was omitted by mistake. Here follows that summary.

2. Allowed the appeal by Mr H.L Foster for Material change of use of land to use as a residential caravan site for 6 gypsy families, each with two caravans, including improvement of access and laying of hardstanding.

OS Parcel 9635 North East Of HM Bullington Prison, Widnell Lane,

Piddington – 17/01962/F

Officer recommendation - Approval (Committee)

Piddington Parish Council served a statement of case in accordance with Rule 6 of the inquiry appeals rules and took a full part in the proceedings of the Inquiry.

The main parties agreed with the Inspector that the description of development needed to refer to the number of pitches proposed (i.e. six pitches each with two caravans).

The Ministry of Defence (MoD) had objected to the planning application and the Garrison Commanding Officer of the Bicester Garrison & Support Unit had commented on the appeal. The Appellant requested that MoD representatives to be available at the inquiry and, although that request came later than required by Rule 12 of the inquiry appeals rules, when the inquiry opened at the end of March 2019 the Inspector considered it would be useful for the MoD to be represented and adjourned the inquiry to allow for the MoD to produce a proof of evidence and to enable evidence to be heard continuously. In response to the Inspector's request, when the inquiry resumed in July 2019 the MoD was represented at the inquiry.

The Inspector considered the main issues to be: (1) whether the site is a sustainable location for gypsy and traveller accommodation; (2) the effect of noise from Piddington Training Area on the living conditions of future occupiers of the appeal site; (3) whether the proposal accord with the Development Plan; and (4) the need for gypsy and traveller accommodation.

Location

The Inspector found that the proposal complies with the sequential approach required by Policy BSC6, i.e. that it was within 3km of a Category A village (Arncott). The Inspector noted that there are no allocations for traveller sites in the Local Plan. The Inspector noted that Arncott has a limited range of facilities and there is no footway along Widnell Lane and no lighting on that road until just before the junction with the B4011 and therefore that occupants of the appeal site would be unlikely to use the bus service. The Inspector had regard to the conclusion reached by another Inspector at Murcott Road to the south of Arncott in 2018). The Inspector found no issue with the proposed use of both septic tanks and package treatment plants for drainage for the site. The Inspector noted the cost of providing water supply to the site but found there to be no substantive evidence that a water supply could not be

provided to the appeal site. Similarly on electricity, while the Inspector tended to agree more with the PC on cost (£120k) than the Appellant's estimate (c.£44k), found the evidence did not suggest cost would prevent delivery taking place. The Inspector concluded that the drainage, water and electricity provision could be required by condition, and overall that the appeal site is a sustainable location for gypsy and traveller accommodation. The Inspector found no evidence that the proposal would have an adverse effect on security at Bullingdon Prison.

Noise

The Inspector noted the appeal site was 200m from the closest part of the Piddington Training Area. The Inspector noted that while the MoD's evidence provide estimated noise levels at the appeal site, its evidence did not include details of actual noise levels as experienced, and that its representative was unable to provide much detail about the nature of activities during training events, and that no training events were arranged to coincide with the appeal. The Inspector found there to be a number of factors casting uncertainty as to whether the MoD's submitted schedule of training activities related solely to the Piddington Training Area. In particular he found that the training event listed as being scheduled on 8th June 2017 did not take place. The Inspector noted that the Appellant's noise survey was carried out in January, which is generally one of the less busy months for training exercises recorded in the MoD's schedule, but found there to be evidence that efforts had been made on behalf of the Appellants to arrange for a noise survey at busier times. The Inspector found issues with the Appellant's noise evidence but held that an alternative assessment would likely still indicate an acceptable internal living environment would be achieved. The Inspector considered the evidence from the parish council, Cllr Sames and local residents. The Inspector concluded that, while he appreciated there were concerns locally and was mindful of the MoD's suggestion that greater use could arise in future, the proposal was acceptable in noise terms and complied with saved Policy ENV1 of the 1996 Local Plan and paragraph 180 of the NPPF.

Degree of compliance with the Development Plan

The Inspector noted the Appellant and the Council agreed there was no conflict with criteria (c.), (d), (f), (j) and (k) of Policy BSC6. The Inspector found the impact on the character and appearance of the area to be limited. The Inspector had found the proposal to be in acceptable location in terms of access to services (criteria (a) and (b)), that subject to conditions utility services could be provided (criterion (i)) and that the proposal would be acceptable in noise terms (criteria (e) and (g)). The Inspector disagreed with the Council that the proposal would not result in the efficient and effective use of land (criterion (h)). The found that the proposal would result in some harm to the character and appearance of the area and would involve the encroachment of development into a field, and so while he found the proposal complied with Policies PSD1 and BSC6 he concluded that it would conflict with Policies ESD13, ESD15 and C28 and therefore conflicted with the Development Plan as a whole.

Need

The Inspector noted the Appellant and the LPA agreed there was no supply of gypsy and traveller sites. He noted that the Council's 2018 AMR calculated a shortfall of 30 pitches for the five years 2019-2024. He noted the 2017 GTAA gave a shortfall of 12 pitches. The Inspector did not reach a view on which was to be preferred, but found there to be "a general need for traveller accommodation" and that the parties "agree that significant weight should be attached to the unmet need, a view which I share". The Inspector found that "the current lack of alternative sites is a matter which carries important weight in support of the appeal proposal" and the absence of any site allocation for gypsy and traveller accommodation added "some further weight" in support of the appeal proposal.

Planning balance

The Inspector concluded there was conflict with the Development Plan due to the proposal's effect on the character and appearance of the countryside, but that the harm was limited. He found there was some effect on future residents of the appeal site from noise at Piddington Training Area but that this would not cause unacceptable harm to living conditions. He found the site to be a sustainable location for traveller accommodation and would contribute to meeting the need for such accommodation. He found the benefits to clearly outweigh the policy conflict and the countryside impact, and accordingly allowed the appeal.