



# Appeal Decision

Site visit made on 11 February 2008

by **Simon Hand MA**

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:  
**22 FEB 2008**

**Appeal Ref: APP/R3325/H/08/1202474**  
**1 Wyndham Sock Cottages, Sock Dennis, Tintinhull, Yeovil, Somerset,**  
**BA22 8PR**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Mark Hillyard & Isobel Thomas against the decision of South Somerset District Council.
- The application Ref 07/04251/ADV, dated 7 September 2007, was refused by notice dated 31 October 2007.
- The advertisement proposed is a non-illuminated advanced directional sign.

## Decision

1. I allow the appeal, and grant consent for the display of the sign as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

## Reasons

2. The sign, which was in place, had been taken down at the time of my site visit. It would have stood next to Wyndham Sock Cottages on the south side of the A303 dual carriageway. At this point the road climbs a hill towards the Tintinhull junction, but the sign for the junction is some way ahead. As the appeal sign could only be seen by traffic travelling west, they would see it some time before the junction sign. They would thus have ample time to slow and change lanes if they so wished so I cannot agree that encouraging vehicles to turn off the dual carriageway onto a signposted side road is dangerous, particularly as plenty of time would be given.
3. There is a signposted cross-roads directly in front of the cottages, but this give access only to the cottages and fields on the other side of the road. I should imagine this is infrequently used, and the Council have not mentioned any concern as to the safety of this junction. I notice there has been one accident at the junction but on the opposite carriageway, I cannot see why the sign should be so distracting as to cause a danger to road users who are paying due care and attention to their own and others safety.
4. The Highways Agency suggest it would be irresponsible to signpost a public house from off a trunk road as it would be encouraging people to drink and drive. However, I feel this is a matter that should be left to the discretion of the driver. Public houses sell far more than alcoholic beverages and the chance

25 FEB 2008

RESOLUTION CENTRE

to stop and have a meal would be of positive benefit to road safety rather than the reverse.

5. I do have sympathy with the desire of the Highways Agency to minimise the clutter of signs by main roads, but there are few others nearby, and the road did not seem overburdened with signage such that one more would be dangerous.
6. For the reasons given above and having regard to all other matters raised, I conclude that the display of the sign would not be detrimental to the interests of public safety.

*Simon Hand*

Inspector

### **Standard Conditions (2007 Regs)**

Please note that, in addition to any specific conditions specified in the body of the letter, the standard conditions set out in the Regulations also apply. These are as follows:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
  2. No advertisement shall be sited or displayed so as to—
    - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
    - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
    - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
  3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
  4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
  5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
-



# Appeal Decision

Site visit made on 11 February 2008

by **Adrian I'Anson** Solicitor

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:  
26 February 2008

**Appeal Ref: APP/R3325/A/07/2057067**

**Raggett House, Bowdens, Langport TA10 0DD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
- The appeal is made by Mr & Mrs Robert Hobhouse against the decision of South Somerset District Council.
- The application ref 07/01313/FUL, dated 7 March 2007, was refused by notice dated 19 April 2007.
- The development proposed is a new roof to cover the existing flat roof and extension to east and north of property.

## Decision

1. I dismiss the appeal.

## Main Issues

2. This is the effect of the proposal on the character and appearance of the existing dwelling and the wider area.

## Reasons

3. The existing house sits within a relatively large plot on a well-wooded hilltop in open countryside. The existing dwelling has a flat-roofed extension to the north. Although this northern elevation has little architectural merit, the southern elevation has an attractive symmetry with well-proportioned fenestration which I consider worth preserving.
4. The proposed mansard roof would provide the benefit of removing the unattractive flat-roof element on the northern elevation. However, the bulk of the large-span mansard roof and the dormers on the frontage, associated with the large extensions to the north and east, would envelope and all but subsume the pleasing elements of the existing dwelling. Moreover, the architectural treatment of the extension, notably the arrangement and proportion of the fenestration, the ratio of window to wall and the use of materials would bear little relation to the existing form of the dwelling. The result would be an obvious imbalance and a contrast that would harm the character and appearance of the existing building.
5. While views of the site from the public vantage points are limited, the impact on the existing building would also harm the wider area.

S.SOM.D.C.

27 FEB 2008

RESOLUTION CENTRE

6. In this context, the proposal falls contrary to policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan (adopted 2006) that require in broad terms, development to maintain or enhance the environment.
7. I acknowledge the points made by the appellants about the derivation of the design. They assert that the proposed design reflects the wood/glass house immediately to the south-east – Bowdens Bungalow. Having seen this property on my site visit and photographs of it produced by the appellant, it is clear that this modern property has had the benefit of a single, consistent design approach. This contrasts with the proposal which is an attempt to match an attractive and symmetrical southern elevation with a mansard roof and modern design. I have no reason to doubt the appellants' assertion that the mansard roof reflects many houses within two miles of the appeal property. However, the presence of those mansard roofs cannot justify a proposal that would have the harmful impact identified.
8. In their grounds of appeal, the appellants raise issues relating to the manner in which the Council dealt with their application. These issues are not matters which I can take into account when determining this appeal.
9. For the reasons given above I conclude that the appeal should be dismissed.

*A F I'Anson*

INSPECTOR



# Appeal Decision

Site visit made on 30 January 2008

by **Richard Thomas** BA, Dip Arch, RIBA, IHBC

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](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
18 February 2008

**Appeal Ref: APP/R3325/E/07/2058478**

**Clock Tower Cottage, Somerton Randle, Somerton, TA11 7HW**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Peter Cropper against the decision of South Somerset District Council.
- The application Ref.07/00673/LBC, dated 9 February 2007, was refused by notice dated 18 September 2007.
- The works proposed are internal alterations to form additional bedroom with en-suite bathroom including new rooflight to north roof slope.

## Decision

1. I dismiss the appeal.

## Reasons

2. The appeal site is part of a grade II listed stable complex attached to Somerton Randle, a large detached house dating from the late C18, but extensively remodelled 1846. The stable courtyard dates from the 1860s and comprises an enclosed courtyard with a formal arched entrance from the driveway that sweeps across the forecourt of the house. Clock Tower Cottage is a two storey cottage forming part the archway structure, with a tall attached clock tower that forms a focal point in the setting of the grade II house.
3. A former stable extends along the northern side of the cottage and projects beyond the covered walkway that separates the cottage from the stable yard. Internally, the tall space is punctuated by timber posts that rise to the underside of a large hay loft served by a gabled doorway opening onto the stable yard.
4. However, the original stable has been truncated internally by a wall extending to the underside of the loft floor. This wall is aligned with the eastern wall of the cottage and the space beyond has been subsumed into the cottage to create a lounge. This has a new ceiling set at a noticeably lower height than that of the other ground floor rooms in the cottage.
5. This low ceiling leaves a void around 1m deep between the top of the new joists and the underside of the original hay loft, which still extends the full length of the stable building. The loft floor is supported on a central exposed beam which in turn is supported by freestanding timber posts within the stables. These form the corner posts of the original horse boxes, of which one complete corner stall and one side of another remain within what is now used as a store. The latter partially encloses an area containing a central heating

S.SOM.D.C.

20 FEB 2008

RESOLUTION CENTRE

- boiler and associated oil storage tank and a flue serving the fireplace in the adjoining lounge.
6. As a result of the insertion of the lounge and associated impedimenta into the former stables, the original proportions of the space have been lost and now only the lengthy loft area conveys the full interior scale of the original building. The proposed works would effectively extend the lounge wall to the underside of the roof and the area of loft floor above the lounge would be removed to create space for a new bedroom. This room would be open to the underside of the existing roof, and reached via a new staircase from the first floor of the cottage.
  7. The subdivision of the loft and the removal of the loft floor would remove the one remaining opportunity to perceive the scale of the former stables, since its length would be virtually halved. What remains of the loft after the proposed subdivision would be further reduced by the introduction of a new stairway from the ground floor to provide access to the loft and an emergency escape route from the proposed bedroom. This would result in the loss of around half of the loft floor area. To my mind, the loss of such a significant amount of historic fabric and the destruction of the original plan form would clearly fail to preserve the building's special architectural and historic interest.
  8. In addition, the proposed dogleg staircase would harm the special architectural character of the former stables due to its size and location, resulting in a dominant and visually intrusive element that would diminish the impact of the existing horse boxes and be out of keeping with the special architectural and historic character of the former stables.
  9. I note that the Council considers the existing ground floor lounge and associated works to be unauthorised. I make no comment on this, apart from observing that the works would appear to be reversible, unlike the proposed works which would result in the significant loss of original fabric from the listed building.
  10. The appellant argues that the additional bedroom is needed to permit the estate to provide a three bedroom family house for a gardener. While a third bedroom might be desirable in attracting a wider range of suitably qualified staff, there is no evidence to suggest that it is essential, or that suitable accommodation could not be found elsewhere within nearby Somerton. I therefore attach little weight to this argument of necessity in justifying the significant harm that would result from the proposed works.
  11. In the light of my findings above, and having regard to all other matters raised, I conclude that the proposed works would fail to preserve the special architectural and historic interest of the listed building and thus would conflict with the guidance in Planning Policy Statement 15 *Planning and the Historic Environment* (PPG15) and with Policies EH3 and EH5 of the South Somerset Local Plan 2006.

*Richard Thomas*

Inspector

---



# Appeal Decision

Site visit made on 11 February 2008

by **Adrian I'Anson** Solicitor

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.gsl.g  
ov.uk

Decision date:  
6 March 2008

**Appeal Ref: APP/R3325/A/07/2058845**

**18 Summer Shard, South Petherton, Somerset TA13 5DP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
- The appeal is made by Mr S Loveridge against the decision of South Somerset District Council.
- The application ref 07/03435/FUL, dated 10 July 2007, was refused by notice dated 25 September 2007.
- The development proposed is a single detached dwelling.

## Procedural Matter

1. The proposal appears to have been revised during the course of the application. I have dealt with the appeal on the basis of drawings 07/046/01 Rev A, 07/046/02 and 07/046/03 that show a detached two-storey dwelling with a single-storey rear outshut and two car parking spaces.

## Decision

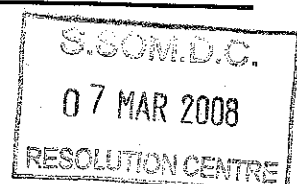
2. I dismiss the appeal.

## Main Issue

3. This is the effect of the proposal on the character and appearance of the area.

## Reasons

4. The site lies within a spacious housing estate comprising terraced, semi-detached and detached dwellings. The majority of the dwellings are set back from the pavement, giving an impression of spaciousness to the estate.
5. The appeal site stands in a prominent position viewed from roads leading into the estate from both Palmer Street and West Street. It is bounded by a screen wall abutting the pavement. However, the lack of any higher development on this corner plot adds to the sense of spaciousness in this area.
6. Development of the appeal site, involving as it would, removal of the open space on the corner and a building tight up against the boundary wall would give a cramped appearance and loss of a sense of openness at a focal point of the estate. This would result in harm to the character and appearance of the area contrary to policies ST5 and ST6 of the South Somerset Local Plan (adopted in April 2006). These policies require proposed development to

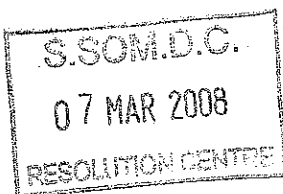


respect the form, character and setting of the locality and the latter requires development to avoid the loss of open spaces including gaps and frontages.

7. The appellant claims that development up to the back edge of the pavement is a feature found throughout the Summer Shard estate. Having viewed the estate I do not accept his assertion. Moreover, the examples he refers to – numbers 48, 55 and 64 – are not comparable to the appeal site as none of them stand on plots of such prominence.
8. For the reasons given above I conclude that the appeal should be dismissed.

*A F I'Anson*

INSPECTOR







# Appeal Decision

Inquiry held on 5 & 6 February 2008

Site visit made on 7 February 2008

by **Philip Crookes** BSc (Hons) DipTP  
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:  
5 March 2008

**Appeal Ref: APP/R3325/A/07/2051240**

**Coles Furlong, Owl Street, East Lambrook, South Petherton, Somerset TA 13 5HF**

- 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 Garry and Marilyn Isaacs against the decision of South Somerset District Council.
- The application Ref 06/03465/FUL, dated 26 September 2006, was refused by notice dated 28 February 2008.
- The development proposed is retention of use of land as a private family gypsy site for the siting of one mobile home, one touring caravan, ancillary buildings with altered access arrangement and landscape treatment.

## Decision

1. I dismiss the appeal.

## Preliminary Matters

2. The site has a significant and relevant planning history. The appellant family moved onto the site in 2003 having previously been accommodated at the Council run Ilton gypsy site. In August 2005 an appeal against the refusal of planning permission for the retention of the use was considered (ref. APP/R3325/A/04/1137141). The Inspector concluded that the site was unacceptable as a permanent gypsy site because of a fundamental conflict with policies to protect the local environment,. However, a temporary planning permission for one year was granted to enable time for the family to look for another site and to minimise the impact on the appellants' childrens' education. By way of further background, an enforcement notice was served in February 2004. An appeal was not submitted within the required time period and the notice took effect on 24 March 2004. The notice required the cessation of the use of the appeal site and restoration. The Council has not pursued action against the appellants pending a decision on the current appeal. The appellants have indicated that should a permanent permission not be forthcoming, a time limited permission should be considered.

## Main issues

3. The main issues in this case are:-
  - (1) the effect of the development on the character and appearance of the surrounding rural area; and

S.SOM.D.C.

06 MAR 2008

RESOLUTION CENTRE

- (2) whether gypsy and personal arguments are sufficient to outweigh any harm arising from the proposal.

### **Planning Policy**

4. The development plan includes the Somerset and Exmoor National Park Joint Structure Plan Review 2000 and the South Somerset Local Plan adopted in 2006. Together, the Structure Plan through Policies STR1 and STR6 and the Local Plan through Policy ST3, seek to strictly control development outside towns, rural centres and villages, and seek sustainable forms of development, with a reduction in the need to travel. Local Plan policies ST5 and ST6 are focussed on the effects of development on the local environment and the landscape.
5. Policy 36 of the Structure Plan takes a permissive approach to the provision of sites for gypsies and travelling people where sites are within a reasonable distance of a settlement providing local services and facilities. Local Plan Policy HG11 deals with long term gypsy sites and indicates that these will be acceptable where a number of criteria are met. These include an absence of harm to the amenities of neighbouring dwellings or the character of the area and a requirement that sites are reasonable well related to schools and other community facilities.
6. National guidance is provided in ODPM Circular 01/2006. This recognises that previous guidance, notably that contained in Circular 1/94: *Gypsy Sites and Planning* has failed to make adequate provision for gypsies and travellers. The new Circular has, as an objective, land allocations in a development plan document (DPD) in order to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission over the next 3-5 years. The new process, as summarised in paragraph 19 of the Circular, is to begin by local authorities assessing gypsy accommodation needs through a Gypsy and Traveller Accommodation Assessment (GTAA). Pitch numbers from this assessment will feed into the Regional Spatial Strategy (RSS) which will check and modify pitch numbers for each local authority area. Local Authorities are then required to identify specific sites to match pitch numbers through their DPDs. However, the Circular recognises that interim arrangements may be necessary before GTAAs can be considered by the Regional Planning Boards. These transitional arrangements are set out in paragraphs 41 to 46 of the Circular. The Circular indicates that sites on the outskirts of built-up areas may be appropriate but that rural settings, where not subject to special planning constraints, are acceptable in principle.

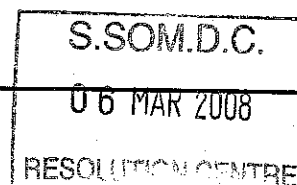
### **Reasons**

#### ***The effect on the character and appearance of the rural area***

7. The site is in pleasant countryside, clearly outside the limits of any defined settlement and therefore in a location where new residential development would not normally be permitted. The main parties agreed that the previous Inspector's description of the locality remains apt. I agree. My colleague identified the site as being *"in attractive gently undulating countryside, characterised by a pattern of small irregular fields and orchards, the orchards in particular being a distinctive local feature. Hedgerows, field trees and small woodlands together with the narrow country roads contribute to a sense of*

*enclosure and further emphasise the unspoilt rural nature of the area. Development, typically of domestic scale, is concentrated in and around the small settlements".*

8. Prior to the appeal development taking place the site was part of an orchard that extended back from the highway behind a high frontage hedge. Photographs taken at that time show the hedge and field blending seamlessly into the surrounding landscape with just a rustic field gate in the corner of the field providing access.
9. The previous Inspector noted that the *"formation of the central access, the mounding and resultant sharp change in levels .. and the 'platform' created to site the caravans have a harsh and severely detrimental effect on the appearance of the site and local character".* She felt that *"the sense of enclosure and more intimate landscape qualities have been lost."* She went on to say that *"the caravans, parked vehicles and other domestic paraphernalia stand out because of their elevated position and lack of natural enclosure"* and were *"not compatible with the environmental qualities and landscape assets."* She concluded that whilst the visual impact would be localised the harm would be serious.
10. Following the previous appeal decision and the granting of temporary planning permission for one year, the appellants have attempted to address landscape concerns. This has led to the current scheme. Following advice from the Council's landscape officer, suburban style walls flanking the access have been removed and additional hedging planted at the top of the bank behind the visibility splays formed to either side of the access. Planting of Field Maple and Crab Apple trees has taken place between the compound and the site frontage with a number of Apple trees planted to the east of the access to extend the remaining orchard towards the road. It is further proposed to reform the access on a curved alignment to limit views into the site. A further hedge would be planted close to the gated compound in order to better screen the compound fencing.
11. Planting that has already taken place is immature and, at present, does little to disguise the fenced 'hardstanding area' where the mobile home, touring caravan and other domestic structures are positioned. Although set back from the road, the compound is on higher ground and is easily seen from Owl Street. Although less obvious due to the field and roadside hedges, the upper parts of the mobile home can also be readily seen from the junction of Owl Street with the lane to the west that leads to Mid Lambrook and from sections of the lane itself. Notwithstanding the works undertaken since the previous appeal, the development stands out in stark contrast to the surrounding countryside. Although the fence hides parts of the domestic structures and the lower parts of the caravans they remain visually dominant, particularly so since the mobile home seen by the previous Inspector has recently been replaced by a larger and taller structure with a pitched roof. In any event, the compound fence is itself an ugly and most intrusive structure which adds to the detrimental visual impact of the development. In my opinion, staining or painting the fence would do little to lessen its impact. I consider that the development is seriously at odds with its surroundings and detracts significantly from the appearance of the area.



12. I have considered carefully whether landscape conditions and the completion of the landscaping proposals and other works envisaged could make the project acceptable. The difficulty is that, given the conspicuous nature of the development, the lack of adequate existing natural landscaping and the need to set the roadside hedge back in order to meet highway safety requirements mean that considerable new planting would be required. It would take some years to become mature and I am sceptical about how effective it would be. I am of the view that while such measures could improve the situation they would not make it satisfactory.
13. I have taken into account that the landscape proposals derive from suggestions made by the Council's landscape officer. However, the landscape officer makes it clear that the advice given is based upon measures to improve the site arrangement should an exceptional case be made, and accepted, for the retention of the site. I see nothing in that advice which alludes to the site's impact in the countryside becoming acceptable if the measures are carried out. Moreover whilst I am aware that paragraph 54 of Circular 01/2006 indicates that sites in rural area are acceptable in principle, this does not countenance sites that have an unacceptable impact on their rural surroundings.
14. I conclude therefore that Structure Plan Policies SRT1 and, STR6 are not complied with and it is similarly the case in respect of Policies ST3, ST5 and ST6 of the Local Plan. The harm to the character of the area would also bring the proposal into conflict with criterion 1 of Local Plan Policy HG11.

### **Gypsy and Personal Arguments**

#### *Gypsy status*

15. This matter was reviewed in the course of the previous appeal. The Inspector on that occasion found that that the appellants had gypsy status. This is common ground in the current appeal. Based on the uncontested evidence I have no reason to doubt the gypsy status of the appellants and the other site occupiers in the terms of Circular 01/2006.

#### *Need for Additional Gypsy Caravan Sites*

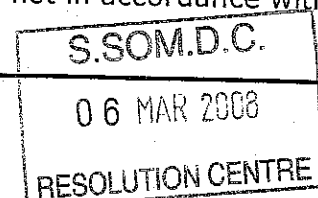
16. The need for a provision of sites for gypsies has been discussed at some length during recent appeals, and notably in respect of the site at Gawbridge, Kingsbury Episcopi (appeal ref APP/R3325/A/06/2019790). Little has changed since that time. The Council does not project the preparation of a site specific Development Plan Document (DPD) in respect of sites for gypsies and travellers as envisaged by Circular 01/2006 as an early priority within its Local Development Framework.
17. The general position is one of an accepted general need for more gypsy sites in the District. This finding stems from the study commissioned in 2005 from Ark Consultants which in its report in 2006 found a need for another 24 authorised pitches. This has subsequently been updated to 27 pitches in the submission to the South West Regional Assembly in respect of the draft Regional Spatial Strategy. At the same time the two public sites at Ilton and Tintinhull are currently fully occupied with short waiting lists albeit that vacancies appear to have occurred from time to time at Tintinhull, including within the last 12 months. There are proposals to refurbish the site at Ilton and to provide 4

additional pitches. This would go some way to remedy the shortfall but will be far short of eliminating it.

18. Given the lower priority afforded to the DPD by the Council the latter would seem to be falling short of following the advice in Circular 01/2006 regarding urgency in remedying any significant shortfall in gypsy sites. For the foreseeable future therefore it seems likely that the Council will be relying on the current criteria based policy approach for the consideration of planning applications. The Council's schedule shows that whilst this approach has delivered some sites it has not delivered enough to provide any reasonable expectation that it will cater for the identified shortfall. However, it does indicate the possibility of securing an acceptable site in planning terms, albeit that they may be difficult to find, often because of cost and the unwillingness of owners to sell to gypsies.
19. On this basis, I find that there is a need for additional accommodation for gypsies in South Somerset. This must therefore be given significant weight. At this moment in time there are no other sites to which the occupiers of the appeal site could move albeit that there can be reasonable expectations (based on recent trends), that pitches may become available on public sites, especially the Tintinhull site. Whilst a preliminary GTAA has been published following the Ark report there seems little prospect of its findings being relayed through into a site specific DPD in the foreseeable future. I am pessimistic that sites will be delivered much before 2013 given the low priority to the DPD and the need for consultation and adoption of a strategy along with the rigorous process and further consultation required during the site selection and delivery process. In conclusion, the lack of alternative sites on which to relocate the occupiers of the appeal site must be given significant weight.

*Personal Need and Circumstances*

20. The particular needs of the appellants and their family circumstances are clearly material and of some importance. The appeal site provides the appellants with the security of a settled base, which is particularly important as they have three children of school age. The family moved to the appeal site in 2003 without planning permission having previously resided at the Ilton site for about 12 years. Mr Isaacs explained that they moved away from Ilton because of the appalling physical conditions there, feuding between families and concerns over the bullying and safety of their children. Based on the experience at Ilton and knowledge of troubles at the Tintinhull site, Mr Isaacs explained that he would not consider moving to the either site even if vacancies occurred and was only willing to locate to a private site which the family could own and occupy for themselves.
21. The appellants submitted documentary evidence of their efforts to find an alternative site including visits to estate agents, advertisements in papers and by obtaining details of land available at auction. I note that the previous Inspector reported similar efforts being made prior to that appeal being considered. None of these endeavours have resulted in a suitable site being found, Mr Isaacs stating that none of his investigations of alternatives resulted in a position that enabled him to make any offers to purchase, or to discuss possible sites in any details with officers of the local planning authority. Although the criteria based approach to site provision is not in accordance with



the advice in Circular 01/2006, or its predecessor Circular 1/94, the evidence shows that it has nevertheless resulted in some acceptable sites being identified. I see no reason why more determined and robust efforts by the appellants, particularly in the knowledge of the pending expiry of the temporary planning permission on the appeal site, might not have resulted in an acceptable rural site being found in a less sensitive position. I accept that the appellants' funds are limited. In evidence Mr Isaacs indicated that he bought the site for £9,000 in 2003. The evidence of the owners of the adjacent property 'Hazelwood' is that they subsequently tried to buy the appeal land and were told by Mrs Isaacs that the site cost more than £15,000 and subsequently turned down an offer to purchase for £20,000. I have insufficient evidence to resolve between the differing accounts but the possibility that the appeal site could yield sufficient funds to purchase an alternative site in a more appropriate location cannot be discounted.

22. The appellants' three younger children Stella, Jack and Tammy attend school. The Somerset Traveller Education Service report that Mrs Isaacs is very committed to ensuring her children receive a good education. Stella and Jack attend Huish Episcopi Secondary School where they have settled in well but both require extra literacy support with Stella also having some other learning difficulties and is given individual support in some of her lessons. Tammy is doing well at Kingsbury Episcopi Primary School and is gaining in confidence.
23. In the two and a half years since the previous appeal the three children have progressed well in their education and appear settled. The general situation therefore appears to be similar to that reported in the 2005 appeal decision. In paragraph 38 of her decision the Inspector recorded that the educational services for traveller families on the move are unlikely to provide the level of support the children required. She was conscious that the lack of a settled base would be very disruptive to the childrens' education and attainment and went on to attach significant weight to this consideration. I have no reason to disagree with this assessment although I am conscious that the Inspector in granting a temporary planning permission did so in the light of the opportunity that would give the family to find an alternative site so as not to unduly disrupt the childrens' education. For various reasons that opportunity has not been taken, particularly as the evidence does not suggest that the children require services which can only be provided at their present schools.
24. In terms of health considerations, Mr Isaacs has a back problem and a hiatus hernia and needs regular checks for high blood pressure. Whilst these conditions do not prevent him from travelling, on occasions he has difficulties in hitching and unhitching a caravan. Tammy Isaacs suffers with eye problems and needs to attend Yeovil District Hospital regularly. Whilst I accept that a settled base is important to facilitate access to health care facilities, there is nothing before me to indicate that such access is contingent upon residence at the appeal site.

#### *The Balance of Considerations*

25. The development is not in accordance with Structure Plan Policies SRT1 and, STR6 or Policies ST3, ST5 and ST6 of the Local Plan. There would be conflict with criterion 1 of Local Plan Policy HG11. It would materially harm the character and appearance of the surrounding countryside. I have found that

the development could not be satisfactorily assimilated into its surroundings by landscaping or other works that could be required by the imposition of conditions.

26. National policy promotes the provision of gypsy sites and local policy promotes the assessment of sites against a number of considerations. There are no highway safety objections or other problems associated with infrastructure. There are considerations in relation to health and education that are material considerations that add weight in support of the application. The rural location of the site outside a recognised settlement and the absence of services and facilities locally, including the provision of public transport, mean that the location does not minimise the need to travel. Nevertheless I am conscious of the more robust advice about sustainability contained in Circular 01/2006. I align with the previous Inspector's comment that, overall, the site is not remote and its use would generate a relatively small number of trips and that the ability to safely access local services is not a determining factor given that Circular 01/2006 envisages that gypsy sites are most likely to be in the countryside.
27. The appellant is a gypsy for the purposes of planning law and policy and there is a general need for gypsy sites nationally and in the District. That need is unlikely to be remedied in the foreseeable future given the limited progress and priority the Council has afforded to the preparation and adoption of a site specific DPD. However, I am equally conscious that the appellants have expressed unwillingness to relocate to a public site or to share a site with other families. I also remain unconvinced about the veracity of the appellants' endeavours to identify a suitable alternative site given their knowledge of the purpose of the temporary planning permission granted in August 2005.
28. There are therefore factors that weigh for and against the application. I have carried out the necessary balancing exercise in the context of the advice in Circular 01/2006. I conclude that there is no overriding need for the development that outweighs the conflict with the development plan and the serious harm to the rural surroundings which I have identified.

*Temporary Planning Permission*

29. In reaching my conclusion I have considered whether the granting of temporary planning permission would be appropriate. Paragraph 45 of Circular 01/2006 and Circular 11/95 give guidance on this topic.
30. Circular 11/95 paragraph 109 advises that the material considerations to which regard must be had in granting any permission are not limited or made different by a decision to make a permission a temporary one. I do not consider that the harm to the character and appearance of the rural area could be satisfactorily overcome by the imposition of such a planning condition. In my view the degree of harm is of such severity and the prospect of additional sites emerging through a DPD in the relatively near future so uncertain that the grant of a temporary planning permission under the transitional arrangements referred to in Circular 01/2006 would not be appropriate.

S.SOM.D.C.

06 MAR 2008

RESOLUTION CENTRE

*Human Rights*

31. As regards Article 8 of the European Convention on Human Rights (ECHR), I recognise that dismissal of this appeal would interfere with the appellants' home and private and family life. In particular it could result in the loss of their home with no satisfactory alternative to them, albeit that they have indicated that they would not relocate to either of the local public gypsy sites where pitches are periodically available. However, the appellants started living on the land without obtaining prior planning permission and have established the home unlawfully. The appellants appears to have done so in the light of advice from the local planning authority that an application to establish a private gypsy site would not prove acceptable. Occupation of the land continued after the coming into effect of an enforcement notice and has continued after the expiry of temporary planning permission for one year (expiring 11 August 2006) granted specifically to allow the appellant time to relocate to an appropriate alternative site.
32. The need to maintain a gypsy lifestyle is an important factor in the decision making process. Those gypsies without an authorised site face difficulties in endeavouring to continue to live their traditional way of life within the law. Nevertheless, that interference with the rights of these gypsies must be balanced against the wider public interest in pursuing the legitimate aims stated in Article 8, particularly the economic well-being of the country (which includes the preservation of the environment). The objections to the development which has taken place are serious ones and cannot be overcome by the granting of a temporary planning permission or one subject to other conditions. There is a need for restrictive countryside policies to be applied to the area and this restriction is an appropriate and proportional response to that need. I am satisfied that this legitimate aim can only be safeguarded by the refusal of planning permission.

*Philip Crookes*

INSPECTOR