



Appeal Decision

Inquiry held on 7-9 April, 20 July, 23-24 November, 2 December 2010 & 8 February 2011

Site visit made on 20 July 2010

by Philip J A Crookes BSc (Hons) DipTP MRTPI

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

Decision date: 7 April 2011

Appeal Ref: APP/H0520/A/09/2117105

Land south of Station Road, Bluntisham, Huntingdon, Cambs.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr B Ball against the decision of Huntingdonshire District Council.
 - The application Ref 0900695FUL, dated 2 June 2009, was refused by notice dated 26 October 2009.
 - The development proposed is 11 No. plots for siting of a mobile home and touring caravan with utility block and hardstanding for 2 vehicles plus new access road and play area.
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Decision

1. I allow the appeal and grant planning permission for 11 no. plots for siting of a mobile home and touring caravan with utility block and hardstanding for 2 vehicles plus new access road and play area at Land south of Station Road, Bluntisham, Huntingdon, Cambs. In accordance with the terms of the application Ref 0900695FUL dated 2 June 2009, subject to the conditions set out in the annex at the end of this decision.

Procedural matters

2. At the opening of the inquiry in April 2010 it was explained that the appellant's intention was to accommodate 11 family households on 11 plots. The specified occupiers are all related family members or close friends of family members. At the opening of the inquiry, the appellant requested that the appeal should proceed on the basis of a revised plan (Drg No. 09-3846-30) to accommodate 11 pitches on the northern part of the appeal site only, together with an indicative layout. The revised plan also indicated raising and lowering of existing ground levels across the appeal site. It was submitted that the revision was in response to concerns about flood risk expressed by the Environment Agency. During the course of this long running inquiry a further amendment to the site layout based on the reduced site area was submitted on behalf of the appellant (Drg No. 10-5025-101A).
3. The Council expressed its concerns about the introduction of amendments to the appeal proposal in the form of development restricted to the northern part of the site only. It regarded this to represent a fundamentally different application on which local community consultation was necessary. I acknowledge the Council's point fully and appreciate that there would be visual

differences between a development of 11 plots spread over the entire appeal site and the same number of plots restricted just to the northern part. On the other hand, I take into account that in visual terms, the amendment would constitute a more dense form of development. That said, I take into account that the amended appeal scheme does not extend the boundaries of the appeal site, but would be contained within them. It would also respond to some of the concerns of the Environment Agency relating to flooding.

4. The proposed amendment was also announced in the appellant's statement of case which included a proposed site layout on the reduced area, albeit showing 9 rather than 11 plots. The Council would therefore have been aware of the intended revision in January 2010, some 3 months before the inquiry opened. I am also mindful that the inquiry sat within an overall period of approximately 10 months (7 April 2010 to 8 February 2011) giving ample time and opportunity for further notification and consultation. In this context I am aware of the limited public comment before the Council determined the application and that representatives of the Holywell-cum-Needlingworth Parish Council and the Bluntisham Parish Council attended throughout. Mrs Mitcham, Clerk to the Holywell-cum-Needlingworth Parish Council who appeared at the inquiry indicated that the Parish Council had re-considered the appeal proposal in the light of the amendments proposed. Taking all these factors into account, I do not consider the position of any party would be prejudiced by considering the revised scheme outlined above as the basis of my determination of the appeal. Evidence subsequently given at the inquiry by the parties was based on that position, as was the Council's cross examination of witnesses.
5. I have therefore considered the appeal and reached my decision on the proposed gypsy and traveller caravan site being confined to the northern part of the appeal site. I have also had regard to the other plans submitted, including site layout, access arrangements, drainage details and landscaping, but which are illustrative of the appellant's intentions.
6. I record that, on the resumption of the inquiry on 23 November 2010 the Council requested that there should be a further adjournment until such time as national policy in the light of the Government's intentions to revoke Regional Strategies and replace Circular 01/2006 had emerged. After a short adjournment I made a ruling rejecting the Council's request. Essentially, my ruling reflected that, firstly, there had been no Government advice that the adjournment of inquiries was an appropriate course of action in the interim period until new policy emerged. Secondly, at the time there was no timetable in respect of the Localism Bill or the replacement of Circular 01/2006 and that consultation would be required as part of that process. I ruled that it would be appropriate for me to attach weight to the circumstances regarding Regional Strategies and Circular 01/2006 in reaching my decision and that I would make my decision on the basis of the most up to date information and evidence available at that time. I therefore proceeded with the inquiry on 23 November.
7. I also record that on 23 March 2009 the District Council was granted an injunction which prevents anyone from occupying the site and using the site for the stationing of mobile homes or another form of development without planning permission.

Main Issues

8. I consider the main issues in this case are:

- (i) The effect of the proposal on the character and appearance of the area;
- (ii) The suitability of the development on this site in relation to flood risk;
- (iii) Whether the site is reasonably well located in relation to services and facilities and other sustainability considerations;
- (iv) The effect on highway safety; and
- (v) Whether there are any material considerations to outweigh any harm arising from the first four issues, including whether or not the appellant and other intended occupiers are gypsies as defined in Circular 01/2006; the need for more gypsy sites in the area; the likelihood and timescale for identified needs to be met through the development plan system; the appellant's/intended occupiers personal and family circumstances and accommodation alternatives.

Planning Policy Background

9. The inquiry was conducted in the light of the Government's announced changes and future intended changes in relevant national policy considerations. On 10 November 2010 notification was given of judgement in the *Cala Homes v SSCLG and Winchester CC [2010] EWHC 2866 (Admin)* wherein the claimant sought judicial review of the Secretary of State's decision of 6 July 2010 to revoke Regional Strategies under s79(6) of the Local Democracy and Construction Act 2009. The judgement effectively reinstates the Regional Spatial Strategy for the East of England (RSS) as part of the development plan.
10. The development plan therefore comprises the East of England Plan – Revision to the Regional Spatial Strategy (May 2008) (RSS), the 'saved' policies of the Cambridgeshire and Peterborough Structure Plan 2003 (SP), the 'saved' policies of the Huntingdonshire Local Plan (1995) (HLP) and the Huntingdonshire Local Development Framework Adopted Core Strategy (September 2009) (HACS). I also take into account that on 7 February 2011 the High Court dismissed a further judicial review challenge by Cala Homes that the Secretary of State's statement of 10 November 2010 and the letter of the Chief Planner of the same date, advising that the Secretary of State considered that the proposed revocation of Regional Strategies was immaterial to the determination of planning applications and appeals before the formal revocation of Regional Strategies. As a result of this judgement I take into account the proposed abolition of Regional Strategies and the progress of the Localism Bill to this end is a material consideration in planning decisions.
11. Policy H3 of the RSS requires that provision be made for pitches/sites to meet the identified need of Gypsies and Travellers living or resorting to the areas of local authorities. Further to this, the RSS Single Policy Review for Gypsy and Traveller accommodation was approved in July 2009. The policy (H3) requires provision of an additional 25 permanent residential pitches in Huntingdonshire in the period 2006-2011 and a further 21 pitches for the period 2011-2021.
12. There is no saved policy in the HLP relating to gypsy site provision. However HACS Policy CS6 is a relevant criteria based policy relating to 'Gypsies, Travellers and Travelling Showpeople'. The policy seeks to ensure that such groups are located in sustainable locations taking account of the rural nature of Huntingdonshire where the availability of public transport is limited. Criteria are listed to guide the provision of sites having regard to the amenity of

- neighbours and adjoining land uses; protection of landscape character; the availability of schools, shops and other community facilities within reasonable travelling distance by foot, cycle or public transport; adequate provision of services; health and safety considerations, including access, air pollution and noise; and the provision of adequate space for operational needs. Due to the specific 'gypsy' related nature of Policy CS6 I consider it to be key to the determination of the appeal since, together with national policy guidance, it embraces the main policy considerations that underpin the Council's objections to the proposed development.
13. Policy C5 of the Draft Huntingdonshire Development Management DPD relates to 'Flood Risk and Water Management'. Amongst other things it requires development proposals to demonstrate that they are not located in an area of risk from flooding unless suitable flood protection mitigation measures can be agreed, satisfactorily implemented and maintained. The DPD was approved by the Council in February 2010 and replaces the Interim Planning Policy Statement 2007 which contained Policy P10 relating to flood risk which was referred to in the Council's decision.
 14. Policy CS6 of the HACS was prepared in the light of the advice in ODPM Circular 01/2006: *Planning for Gypsy and Traveller Caravan Sites*. Whilst the latter remains national policy guidance, the Secretary of State has announced an intention to revoke the Circular, describing it as "flawed". No timing of such revocation has yet been announced and he has indicated that an impact assessment is required. The Secretary of State's announcement is clearly a material consideration which must be taken into account, and affects the weight that can be attached to the Circular as a statement of Government policy, albeit that it remains in place for the time being with, as yet, no draft replacement.
 15. The Council considers that 'very little weight' should now be given to Circular 01/2006 in respect of those aspects which relate to the Government's criticisms. The Council submits that these criticisms focus on the Circular's approach to gypsy and traveller sites in the countryside. However until new policy guidance is issued which changes existing guidance, the Circular remains a document that carries significant weight. I do not find this inconsistent with the letter dated 3 November 2010 from Bob Nield MP, Parliamentary Under Secretary of State in response to that from the Executive Councillor for Planning Strategy and Transport advising that decision makers are entitled to have regard to the fact that it is proposed to revoke and replace the circular.
 16. Also relevant is national policy guidance in Planning Policy Statement (PPS) 1: *Delivering Sustainable Development*; PPS3: *Housing*; PPS7: *Sustainable Development in Rural Areas*; PPS25: *Development and Flood Risk* and Planning Policy Guidance 13: *Transport* (PPG13).

Reasons

The appeal site

17. The appeal site is located to the south of the A1123 approximately 1.5km south west of Bluntisham. The land slopes gently towards the south in the direction of the River Great Ouse which, at its nearest point, is approximately 1.2km from the site. The appeal site measures approximately 100m by 180m and, although enclosed by mature hedgerows on all sides, is otherwise featureless rough grassland. There is a narrow, unmade access to the site along its

eastern boundary leading off the A1123 approximately 250m to the north. Development in the vicinity is scattered and there is only one immediate neighbour. This comprises a mobile home which was granted a Certificate of Lawfulness in 2002 and a substantial collection of other buildings and structures. There is also a dwelling with kennels approximately 200m to the west and two dwellings to the north on the opposite side of the A1123. The proposed caravan pitches would be restricted to the northern part of the site within a rectangle measuring approximately 100m by 70m. This represents approximately 39% of the appeal site as a whole and of the area previously intended to accommodate site residents.

Character and appearance

18. The appeal site is located within a pleasant tract of countryside. The topography displays a gentle slope towards the River Ouse to the south. The landscape has no special designation as to its landscape value. To that extent it can be regarded as an area of ordinary countryside which the Huntingdonshire Landscape and Townscape Assessment places within the Ouse Valley Landscape Character Area, described as a broad, shallow river valley. The site is close to the northern extent of the Character Area which, in this location, broadly follows the line of the A1123. Much of the land close to the appeal site is pasture although gravel extraction, flooded excavated areas and wetland restoration is a significant feature closer to the river itself. Narrow lanes and footpaths criss-cross the area between fields which are largely defined by indigenous hedgerows. The degree of tree cover is relatively high.
19. I am also mindful that Circular 01/2006 makes it clear that gypsy sites are acceptable in principle in the countryside. It follows therefore that whilst caravans may be visible in public views this does not equate to visual harm. Policy CS6 of the HACS says that in the provision of gypsy and traveller sites consideration will be taken of the preference of many Gypsies, Travellers and Travelling Showpeople for a rural location with a degree of separation from the settled community. I read into this that the provision of additional sites for gypsies and travellers in the District are likely to rely significantly on rural locations. In relation to the location of future sites in Huntingdonshire district the Council's planning witness accepted that it would be difficult to find sites in built up areas.
20. The appeal site is about 250m from the A1123 to the north but, in addition to distance, there is a good deal of intervening screening in the form of native hedgerows and the presence of the buildings and other substantial structures at Green Acres to the north. Notwithstanding its more concentrated form this also means that development of the northern part of the site would be less visible in the wider landscape in mid-distance views from the A1123. However, particularly in winter when vegetation is largely bereft of leaves glimpses of the roofs of mobile homes, caravans and sheds on the appeal site would be possible from the A1123 but only as a distant feature viewed over several intervening hedgerows. Although this would not be seen as a natural feature of the countryside the presence of the development within the landscape could be effectively mitigated by appropriate landscaping treatment, particularly along the site's western boundary where a wide wildlife buffer zone is proposed.
21. I consider that landscaping could be employed effectively to screen the development from the public footpaths to the south. The reduction in the size of the developed site and the concentration towards the northern part would

also have the benefit of increasing the distance of caravans and other structures on the site from public footpaths to the south, south east and south west. The southern part of the appeal site which would not be developed provides ample opportunity for additional screen planting although the proposed 1.8m high close boarded fence illustrated in the appellant's sketch scheme would, in my view, be an inappropriate feature of urban characteristics. However, there is scope to address this within a detailed landscaping scheme. From the drove that runs alongside the eastern boundary the development would be more obvious at times through the more gappy sections of the boundary hedge and through the site entrance. Overall however the hedge is substantial and I am satisfied that planting would do much to mitigate the visual impact of the development.

22. Overall I consider that suitable landscaping offers significant mitigation and, once established, would be sufficient to overcome any harmful visual and landscape effects of the proposal on the reduced site area.
23. I have taken fully into account the Council's concerns that development restricted to the northern part of the site would, by virtue of the more intensive form of development proposed, have a more harmful visual impact than the original proposal. However, for the reasons more fully explained above, the visual impact of a more intense development covering 39% of the original site, and restricted to its northern part, is outweighed by the benefits of a smaller, more effectively screened site, with greater potential for additional landscaping. It is also relevant that, even though smaller in size than originally intended, the site layout plan provided by the appellant indicates that the site individual plots and facilities are in line with the general advice in the CLG Good Practice Guide: *Designing Gypsy and Traveller Sites* (GPC) which is applicable to both public and private sites.
24. I conclude on this issue that any visual harm or physical encroachment that might harm the character of the countryside would not be great and, with the benefits of additional planting, could be absorbed into the landscape structure with little impact. The proposal would therefore comply with the relevant criterion of HACS Policy CS6 which requires that such development should not have a significant adverse impact on the character of the landscape and appropriate landscaping and boundaries should be provided.

Sustainability

25. The appeal site is in open countryside almost midway between the villages of Bluntisham to the east and Needingworth to the west. Both villages are linked by the A1123 which passes about 250m to the north of the appeal site. Both provide a limited range of local services and a primary school. A wider range can be found in the market town of St Ives, approximately 5km to the west.
26. Circular 01/2006 indicates (paragraph 54) that gypsy sites are to be regarded as being acceptable in principle in the countryside and when assessing the suitability of sites (for allocation for gypsy sites) local planning authorities should be realistic about the availability or likely availability of alternatives to the car in accessing local services. Nevertheless, the Circular also indicates that in deciding where to provide sites, local planning authorities should first consider locations in or near existing settlements with access to services but recognises that many sites are likely to be found in rural areas. The Circular stresses the importance of sustainability but also goes on to make it clear that this does not only mean in terms of transport mode and distance from services.

Other considerations include the peaceful and integrated co-existence with the local community; the wider benefits of access to GP and other health services; children attending school on a regular basis; the provision of a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampments; and not locating sites in areas of high risk of flooding.

27. For the reasons explained earlier I do not agree with the Council that Circular 01/2006 should now be given little weight in the light of the Secretary of State's announcement. There is currently nothing to suggest that the approach to sustainability so far as gypsy and traveller sites are concerned should now be different than previously. In this case, therefore, my view is that the most up-to-date and authoritative guidance regarding sustainability considerations remains that provided by Circular 01/2006.
28. In the context of sustainability, consideration is needed not only in terms of distances but the modes of transport available and their ease and safety of use. Although bus services pass along the A1123 there is no stop in the vicinity of the site, the nearest ones being in Bluntisham and Needingworth. The appellant says this is due to a lack of demand at present and accepts that even the extra potential passengers that might arise from future residents of the appeal site is unlikely to be sufficient. However, it is pointed out that many bus operators operate on a "hail and ride" basis. The Public Transport Manager for Cambridgeshire County Council consider the position on the A1123 to be currently unsafe for placing a bus stop given the fast and busy nature of the road and the proximity to a bend. I see no reason to disagree. I also see little likelihood of a lay-by with bus stop being provided due to cost, lack of passengers and highway safety issues due to buses slowing and accelerating in an out of the lay-by. I have taken account of the rural nature of Huntingdonshire and the limited availability of public transport. However, given the above considerations, the appeal site is not in a location that is accessible by bus or other form of public transport.
29. I consider that it would be unsafe to walk or cycle to either Bluntisham or Needingworth using the route provided by the A1123. This is particularly so for children attending school. It would involve using the often narrow and uneven grass verges alongside a busy road which has no footways and lighting for most of its length. Many of these journeys would also have to take place at times when daylight hours are shorter and weather conditions more inclement. In these circumstances, and taking into account that for the most part the highway is subject only to the 60mph national speed limit, I consider that most pedestrians and cyclists are likely to feel intimidated and threatened by the close proximity of fast moving traffic, including a significant number of HGVs. I am also mindful that on the western edge of Bluntisham the A1123 crosses over a disused railway where the verges are particularly narrow and forward visibility restricted. Overall, whilst in general terms the distances are well within reasonable walking and cycling reach, I do not consider that the A1123 offers a suitable alternative route to either Bluntisham or Needingworth that is conducive to safe walking or cycling, either by adults or children.
30. As an alternative to using the A1123 there are off-road routes to Needingworth using public footpaths through the countryside to the south and west of the appeal site. This route of approximately 3km is unlit and involves using surfaces that are narrow in parts and also heavily rutted and uneven. In my opinion, the latter is a significant deterrent to cycling. I am also mindful that

parts of the route would be dark and overshadowed by trees, whilst other sections pass through open countryside and close to a number of water filled gravel pits. Overall, whilst determined adults might use the footpaths, I feel strongly that they are unsuitable and unsafe for use by children, for example when attending school, and particularly so in times of restricted daylight and inclement weather.

31. Since the appeal site is remote and separated from local villages by substantial tracts of countryside the gypsy community is not best placed to integrate easily with the community. However, there is nothing to suggest that whatever integration that should take place would not be peaceful. The provision of a more settled base would provide the benefit of better access to GP and health services as well as to education, compared to the more nomadic existence members of this group have been following from time to time in the past. This is a similar conclusion to that related to the reduction in long distance travelling and possible environmental damage caused by unauthorised encampment.
32. In conclusion, the location of the site is such that it is almost inevitable that the private car will be needed to access even those facilities relatively close to the site. As distance increases the likelihood of car use becomes generally greater. Whilst the absence of public transport is not in itself a reason to rule out a site, that does not mean that this factor can be ignored. The other matters which the Circular suggests as examples of a more holistic approach to sustainability do not work against the proposal. I shall deal with the question of flooding later. However, on this issue I conclude that the proposal is not a sustainable form of development and that it conflicts with HACS Policy CS6 in this respect. Furthermore it does not represent a sustainable and acceptable location in terms of national guidance.

Flood Risk

33. National advice is provided in PPS25: *Development and Flood Risk* published in 2006. Amongst other matters the document clarifies the sequential test which matches the type of development to degrees of flood risk, and strengthens the requirement to include Flood Risk Assessments (FRA) at all levels of the planning process. Table D.2 of PPS25 identifies caravans and mobile homes intended for permanent residential use as "Highly Vulnerable" forms of development. Zone 3b is the functional flood plain at the highest risk of flooding and Zone 3a has the next highest probability of flooding with a 1 in 100 year or greater annual probability of river flooding. The advice is that gypsy sites should not be permitted in these flood zones (PPS25, Table D.3) and paragraphs D19-21 highlight the special problems of gypsy and traveller sites in relation to flooding.
34. The Environment Agency (EA) object to the application, its initial position being that land below 5.76 AOD, representing the 1 in 100 year flood level, falls within Flood Zone (FZ) 3a. Based on the topographic survey submitted with the application all but a relatively small part at the north east corner of the site falls within FZ3a. The revised scheme, (the appeal scheme) submitted at the opening of the inquiry is a response to the concerns of the EA.
35. The appeal scheme shows 11 plots restricted to the northern part of the site. Although the majority of the plots would remain within FZ3a the scheme redefines site levels by raising levels over this part of the site with compensatory flood water storage offered by reducing levels on the southern part which would remain undeveloped and within the flood plain. I consider

this to be unacceptable since the proposed compensation would involve excavation within the flood plain and would not therefore provide compensation on a "volume for volume, level for level basis" as specified in the EA document "*Flood Risk Management: considering the use of flood plain compensation storage (England)*". The implication of this failure is likely to be an increased risk of flooding elsewhere. I consider this to be unacceptable and in conflict with PPS25.

36. When the inquiry resumed on 23 November 2010 the EA witness updated the position on the basis of the results of the outcome of improvements to the River Ouse flood model in connection with a new Flood Alleviation Scheme to protect the town of Godmanchester upstream of the appeal site as well as other local flood bank projects. The ERA indicated the recent modelling supersedes all previous studies including that given in evidence earlier in the inquiry. Most pertinent is that the latest modelling extends the available floodplain and redefines the 1 in 100 year flood level at 5.47 AOD.
37. On the further resumption of the inquiry on 8 February 2011, the appellant submitted a revised indicative layout based on the latest position of the EA and a new topographical survey of the appeal site. The topographical survey shows datum points on a closer grid than on the survey submitted with the initial application. In general this is to be welcomed but even where datum points of the two surveys coincide the most recent survey indicates ground levels that on average are consistently in the region of 10cms greater than previously recorded. This inconsistency remained unexplained and I shall reach my conclusions on this issue on the basis of the worst case scenario represented by the initial survey.
38. The 5.47 AOD level figure has now been formally accepted for use by the EA and means that a larger part of the site is now outside FZ3 and considered to be in FZ2. Even so, paragraph 16 of PPS25 (Table D.1) confirms that 'Highly Vulnerable' development should only be permitted in this zone if the exceptions test is passed (Table D.3 and paragraph D9). I agree with the EA that the exceptions test is not satisfied particularly since the appellant's FRA has not demonstrated that the development will be safe, without increasing flood risk elsewhere. There is also no evidence that it would result in a reduced flood risk overall.
39. According to the original topographical survey that part of the site within FZ3a to be developed is at approximately 5.20 AOD at its lowest compared to the redefined 1 in 100 year flood level of 5.47 AOD. Caravan floor levels are likely to be higher and all in all in practical terms inundation of the caravans themselves can be ruled out. Floodwaters elsewhere on this part of the site would not be deep and the velocity of the water would be low. As a result, any wading would not be unduly hazardous. Moreover, since the lane (drove) between the site entrance and the A1123 is outside FZ3 access and egress to and from the site, including by emergency services, is unlikely to be impeded.
40. Moreover, the surrounding fields are likely to flood first, as the EA's aerial photography of the severe floods that occurred in the locality in 1947 show. Occupiers would therefore have advanced notice of the possibility of flooding affecting where they live. There would thus be time for occupiers to leave the site for a temporary period. Gypsies and travellers are resourceful people and would be well used to this. To provide further security the appellant could

adopt a flood evacuation plan sign up to a flood warning scheme. Both of these could be secured by an appropriate planning condition.

41. To conclude on this issue, there is a conflict with Government policy expressed through PPS25. There would also be a conflict with the sustainability criteria set out in Circular 01/2006 which requires the avoidance of locating gypsy and traveller sites in areas at high risk of flooding. On the other hand, a 1 in 100 year flood event does not present a serious threat to safety given its nature. Overall, I do not consider that the development constitutes an unacceptable flood risk and, in this respect, would not be contrary to Policy CS6 of the HACS.

Highway safety

42. There is agreement between the parties that the A1123 carries approximately 7900 vehicles/12 hr There is also agreement that the site is likely to generate about 66 vehicle movements per day when fully occupied and would not have a noticeable impact on the free flow of traffic along the A1123. However, the Council has a fundamental objection on the grounds of inadequate visibility along the main road. In the vicinity of the site the A1123 is subject to the national 60mph speed limit although close to the site there are signs recommending that westbound drivers reduce their speed to 30mph. There is also a continuous 'no overtaking' white line between the carriageways which begins at a point 32m to the west of the access lane and continues through bends to the east.
43. The critical issue is visibility in both directions. Both parties agree that the available visibility is 107/108m to the east and 125/129m to the west. Speed surveys by both parties have resulted in agreement that the 85th percentile speed of vehicles at this point to be 43.4-42.7mph westbound and 49.5-50.1mph eastbound. Considerably longer visibility splays would be available provided the hedges on adjoining land are removed or kept trimmed down.
44. My observations were that the A1123 is a well used rural road carrying a mix of vehicle types that reflect the proximity to settlements, industrial developments and mineral extraction operations as well as a main route between Huntingdon and the A14 towards Newmarket and Bury St Edmunds. At the inquiry appropriate visibility requirements that should be applied to the junction were examined. The appellant's approach is to apply the advice in Manual for Streets (MfS) in assessing visibility requirements. The Council adopts that relating to vehicle-to-vehicle visibility contained the Department document "*Design Manual for Road and Bridges*" (DMRB) (TD41/95). During the course of the inquiry the parties reconsidered their position on highway safety matters following the publication of Manual for Streets 2 (MfS2) in September 2010. MfS2 builds on the guidance contained in MfS and explores in greater detail how and where its key principles can be applied to busier streets and non-trunk roads.
45. The appellant's evidence examines visibility guidance in some detail, considering driver's reaction times and deceleration rates and calculating, on the basis of the MfS guidance concerning stopping site distances (SSD), that the required visibility distance to the east should be 74m and 90m to the west measured 2.4m back from the site access. These visibility splays are achievable.
46. Whether or not the A1123, which is a busy main through route, is a 'street' that falls within the ambit of MfS and MfS2 the advice in those documents

recommends the use of SSDs where speeds are lower than 40mph (MfS2 para.1.3.7 and Table 1.1). For higher speeds it suggests that the older guidance in DMRB may be more appropriate. Although measured speeds past the junction are in excess of this (only marginally so in the case of westbound vehicles) the document points to the use of guidance in DMRB in these circumstances. I am conscious however that in certain situations, for example roads such as inter-urban non-trunk roads, MfS2 recommends that designers bear in mind the principles of MfS, and apply the SSD in DMRB in a way that respects local context. It seems to me that this represents sound advice that can be applied to the appeal case.

47. In light of the 85th percentile speeds the Council submit that visibility splays measuring 120m to the east (right) and 160m to the west (left) should be provided based on DMRB guidance. These splays cannot be achieved within the highway boundary. The appellant considers that if DMRB is applied the required visibility distance (y-distance) should be calculated by interpolation based on actual measured speeds. This approach, which is challenged by the Council, results in a requirement for a y-distance of 118m to the east and 145m to the west.
48. As applies here, where actual speeds rather than highway design speeds are known and agreed, I see no reason why the calculation of the appropriate y-distance should not be done by interpolation. In this I have also taken account of the research has found that failure to provide visibility at junctions in accordance with either MfS or DMRB has not resulted in an increased risk of injury collisions (MfS2 para. 10.4.2). I am also conscious that advances in vehicle design and braking technology has led to reductions in recommended SSDs. The local context is one where the additional traffic generated by the appeal development would be limited such that it can be absorbed into the highway network without difficulty. Forward visibility in both directions is acceptable. This means that drivers approaching in either direction will have adequate warning of a vehicle in the main carriageway waiting to turn right into the access or a vehicle waiting to emerge from the side road.
49. Based on interpolation of visibility distances recommended in DMRB the available visibility splays to both the east and west would be below those specified. However, I do not regard the extent of these shortfalls to be great. Having regard to all these considerations, I conclude that if the maximum visibility available in both directions were to be provided, the access to the site from the A1123 would not be unacceptably hazardous in use. I have taken into consideration that the both adjoining landowners have indicated that, in principle they would be willing for the roadside hedges to be cut down and replaced by a fence further from the highway boundary. However, given the importance of established hedgerows in local landscape character and the relatively small shortfall in available visibility that can be achieved within the highway, I do not consider this to be necessary. In terms of highway safety, I therefore conclude that the appeal proposal would comply with the relevant development plan policies, Policy CS6 of the HACS and Policy T1 of the SP.

Other material considerations

Gypsy status

50. The Council did not contest the gypsy status of the appellant or other intended occupiers of the site. Eight of the intended occupiers gave evidence at the inquiry which included details of the nature, extent and purpose of travelling

which has been undertaken both historically and at the present time. I am entirely satisfied that the proposed site occupiers fall within the planning policy meaning of the term "Gypsy" as set out in Circular 01/2006.

Need for and availability of Gypsy Sites and future provision

51. There is a clear need for additional site provision for gypsies and travellers in England and Wales. The Council also accepted that there is a clear and urgent need for additional sites in the East of England. I am also conscious that Policy H3 of the RSS requires provision of an additional 25 permanent residential pitches in Huntingdonshire in the period 2006-2011 and a further 21 pitches for the period 2011-2021. However, in the light of the proposed abolition of Regional Strategies and the progress of the Localism Bill the reliance on this figure as a firm indicator of need cannot be securely relied upon. Consequently I place more reliance on the findings and recommendations of the 2006 GTAA. This makes specific recommendations as to the future provision of permanent gypsy and traveller sites in Huntingdonshire before the apportioning of the overall need between districts that was reflected in RSS Policy H3.
52. The Council feels unable to give consideration to the number of pitches required in the District now or in the future until the national policy position has been clarified. Whilst it is participating with other authorities in the area in a review of the 2006 GTAA the emphasis placed by the Government on local need adds a further dimension. I appreciate that there are some uncertainties in the related national policy matters but this does not mean that consideration of provision should be put on hold until there is greater clarification. Nowhere does national guidance suggest this as an option. Based on the information available, I consider the GTAA figure of need in Huntingdonshire District of 20 additional pitches by 2011 is the most reliable indicator of local need and historic demand. It is also a good starting point, albeit not binding, for the assessment of need as referred to in the Questions and Answers section of the Chief Planners (CLG) letter to Chief Planning Officers in England dated 6 July 2010.
53. The Council does not dispute that the GTAA figure of 20 additional pitches is an appropriate expression of need in the District but goes on to submit that it has already been addressed through planning permissions granted. However, whilst these amount to 18 additional pitches, all but one is a temporary planning permission. The need however is for permanent pitches and therefore has not been significantly reduced by the temporary permissions. In my view the residual need for 19 additional pitches by 2011 represents a substantial unmet need. This weighs significantly in favour of allowing the appeal.

Accommodation alternatives and future provision

54. The Council accepts that no lawful alternative pitches exist in the District or the wider area which the appellant group could occupy. Prior to the Secretary of State's decision of 6 July 2010 to revoke Regional Strategies (later reinstated as a result of judicial review) the Council had made some initial progress on the preparation of a Gypsy and Traveller Sites Development Plan Document (DPD). This was expected to be adopted in 2014. However, in the light of more recent Government policy announcements the Council does not consider that it could sensibly proceed. It has therefore delayed progress on the DPD and any decisions about the number and location of gypsy and traveller sites until national policy has been clarified.

55. Having regard to the Council's position, some delay to the likely adoption of a DPD seems inevitable. Consequently the delivery of sites ready for occupation is likely to be later than originally intended. Taking a realistic view I consider that the earliest sites could be available would be 2015.
56. I consider that there is little or no prospect of the Council being able to successfully address the challenge of Circular 01/2006 to increase significantly the number of gypsy and traveller sites in appropriate locations. I conclude that there is a substantial and urgent unmet need for permanent residential pitches for gypsies and travellers in Huntingdonshire which needs to be addressed. The temporary planning permissions granted by the Council fail to address this need since they imply that the sites are unsuitable for the necessary permanent provision that is required. This weighs significantly in favour of allowing the appeal.

Personal circumstances

57. The extended group of Romani Gypsies who would occupy the site include 22 adults and 11 children ranging from 7 months to 13 years old. Their details, personal circumstances and educational position were set out for the appellant. However, inconsistencies between the written statements of the proposed occupiers and their oral evidence during the inquiry emerged. This was explained as resulting from the fact that someone else had prepared the written statements on their behalf. Due to the poor literacy skills of many gypsies I do not read too much into the latter. However, I have placed significantly more weight on the evidence given by those who appeared as witnesses during the inquiry and were cross examined.
58. The medical circumstances of the proposed occupiers of the site were set out and not contested by the Council. Although many of the group have family links, this does not apply to all of them, some are friends who have known each other over a lengthy period of time. The group does not travel together as a whole although several do from time to time, usually when seeking work in the traditional gypsy way of life. All have indicated the intention to 'club together' in order to purchase and develop the appeal site if planning permission is granted.
59. The general picture is that of the proposed site residents having lived and worked in the wider Cambridgeshire area for most of their lives. A number of the families currently reside on the pitches of friends and family members in Chesterton Fen Road. Many are doubling up on pitches or using pitches when vacated temporarily by their regular occupiers. Although this site is in South Cambridgeshire District it is no more than 12 miles away from the appeal site as the crow flies. This group therefore regard the wider Cambridgeshire area as their home or winter base. Since I see no reason why any 'local connection' should be restricted solely to Huntingdonshire District I am satisfied that the appellants would still reside in their local area if resident on the appeal site. I acknowledge however, that a local connection is not a prerequisite of Circular 01/2006 advice.
60. I am less convinced of the need for the intended occupiers to be accommodated in such a large group such they have a need for as many as 11 pitches. In some cases the links between proposed occupiers seems to break down into smaller groups. The main connection between members of the larger group appears to be the willingness to collectively fund site acquisition and development. There was little, if any evidence, of any concerted effort to

investigate the availability of alternative sites that might be available to accommodate smaller groups or endeavours to put their names on waiting lists for other established sites. Given these considerations, I find the overall need for a site to accommodate 11 families together is not a weighty consideration in support of the appeal proposal.

61. Several younger children amongst the families will be approaching school age in the next few years. I have no evidence that those already of school age are receiving formal education which is not surprising given the temporary nature of their accommodation and itinerant lifestyle. This factor also has to be seen in the context of the education of gypsy children in general. That remains notoriously poor despite considerable efforts by those responsible for its provision. A permanent base would provide a platform to provide for a more concerted education for these children. Several of the potential site occupiers who gave evidence at the inquiry indicated that they saw this as one of the main benefits that would stem from having a permanent settled base. I attach significant weight to this consideration.
62. In terms of health needs, Walter Ball (68) has a heart condition for which he receives treatment at Papworth and Addenbrookes Hospitals in Cambridgeshire. His wife, Ruth (69) has hip and knee conditions and is also treated at Addenbrookes Hospital. Both are registered at a doctor's surgery in Cambridge. Lorraine Read's husband Joe (45) had a stroke in 2003 and has recently suffered a 'mini stroke'. He receives treatment at Papworth Hospital. Their son Dean (21) has been diagnosed with cancer of the leg and is currently receiving chemotherapy at University College Hospital in London. Pemberlina (31) the wife of Riley Smith has suffered from severe rheumatoid arthritis for many years. William Fury attends Addenbrookes Hospital for his asthma. Medical conditions clearly exist within the appellant group and a settled base is important to facilitate access to health care. However, whilst I have taken this consideration fully into account there is nothing before me to indicate that such access is contingent upon residence at the appeal site.

Overall balancing

63. I have found that the site is poorly located for access to shops, services, facilities and the nearest primary school. Taking into account the wider consideration of sustainability applicable in gypsy cases, I have found that the location of the site still has serious shortcomings in relation to accessibility. I consider that it is a generally unsustainable location for the scale of the use proposed.
64. Against this harm, I recognise that there is a substantial local need for more gypsy sites, no alternatives and it is likely to be in the order of 4 years before additional sites are available through the development plan process. In addition the personal needs of intended occupiers for a settled base, together with their educational and health circumstances weigh in favour of the appeal proposal.
65. On balance, I find that the positive factors in favour of the appeal do not outweigh the harm I have identified. Given this conclusion, I have considered whether a temporary permission should be granted. Temporary permissions are suggested in Circular 01/2006 (paragraphs 45 and 46) where new sites are likely to become available at the end of any temporary period. Such an approach to the granting of a temporary permission would also be consistent, in my opinion, with the advice in Circular 11/95: *The Use of Conditions in*

Planning Permissions. For the reasons already given, I consider that 4 years would be necessary for there to be reasonable prospects of alternative sites becoming available to the appellant through the development plan process.

66. The Circular notes that temporary permissions granted in such circumstances should not be regarded as setting a precedent for the determination of any future applications for full permission for the use of the site. A temporary permission would avoid permanent harm from the location of a reasonably large gypsy site in a location that, taken in the round, is in a poorly accessible location and would provide time for an objective search for more suitable sites in the district through the LDF process.
- 67.** I find that the positive factors in favour of the appeal when considered on the basis of a 4 year temporary permission do outweigh the harm I have identified and justify the development for a limited period, subject to conditions. I appreciate that the investment required to establish the site in accordance with a conditional planning permission would be substantial. However, as canvassed at the inquiry, individuals amongst the appellant group indicated that they would be willing and able to proceed with the investment, taking particular account of the savings in rent currently being paid elsewhere. I consider this to be a reasonable basis for concluding that a temporary permission for 4 years would be viable.

Human rights

68. The particular circumstance of individual families within the group varies. Some, including the appellant, (Benjamin Ball), James William Ball, Edward Herne, Riley Smith, Sean Lee and William Fury have temporary accommodation on existing sites with no guarantee of the length of stay possible. Other, including James Lee and Sophie Smith were travelling at the time of the inquiry but have no alternative accommodation. As regard to Article 8 of the European Convention on Human Rights, I recognise that dismissal of the appeal would result in an interference with the home and private life of many of the intended occupiers of the appeal site, since it is likely to require the continuation or resumption of a more itinerant lifestyle. However, such interference must be balanced against the legitimate aims stated in Article 8, which encompasses the protection of the environment. In my view, the objections to residential use are serious ones and cannot be overcome by granting a permanent planning permission. The public interest can be safeguarded only by a temporary permission. In all the circumstances, I consider that the rejection of a permanent planning permission is necessary in a democratic society in furtherance of the legitimate aim stated and does not place a disproportionate burden on the appellant and other intended occupiers of the appeal site. My decision would not result in a violation of their rights under Article 8 of the Convention.

Race relations

69. I am also conscious of the duty under section 71(1) of the Race Relations Act 1976 (as amended) to have due regard to the need to eliminate unlawful racial discrimination; and to promote equality of opportunity and good race relations between persons of different racial groups. In my view, one of the underlying purposes of Circular 01/2006 is to promote equality of opportunity and in policy terms I have given most weight to this Circular and applied its advice. I have given weight to the need to foster the gypsy way of life through the provision

of an adequate number of lawful sites. Such provision is likely to promote good race relations.

Conditions

I have considered the need for conditions in the light of the discussion at the inquiry and the advice in Circulars 11/95 and 01/2006. Otherwise than as set out in this decision and conditions, it is necessary that the development as a gypsy caravan site shall be restricted to the northern part of the appeal site. Consistent with the temporary nature of the permission, the use shall cease after 4 years and all structures, caravans, materials and equipment shall be removed from the site. In connection with this, a condition specifying the existing condition of the site before development and the works necessary to restore the land to that, or another agreed condition after the end of the temporary period is also necessary. Whilst I have given weight to personal circumstances, the most important single factor is the need generally for gypsy sites in the area. I have therefore imposed the normal condition limiting occupation of the site to gypsies as defined in Circular 01/2006, but not made the permission personal.

70. In view of the stated intentions of the appellant and to safeguard the countryside from any negative effects of an excessive number of caravans on the site, I shall restrict the permitted number of pitches and caravans in line with the permission sought. As discussed earlier, my decision is based on the development of the northern part of the site only as a gypsy caravan site and a condition is necessary to confirm this and to avoid development of parts of the site where a greater flood risk exists. For similar reasons, I consider that it is necessary to restrict the commercial use of the site by excluding the parking of vehicles over 3.5 tonnes and external storage for business use. The appellant has not expressed a need for such parking or storage but, as the permission would permit occupation by any gypsy, the condition is necessary.
71. I acknowledge that details of several site structures and features were submitted during the course of the inquiry, including in respect of utility buildings, drainage and site layout. However, as explained earlier, I have regarded these details as illustrative of the appellant's intentions and in many cases the Council has been unable to give them full and proper consideration. In these circumstances I have imposed a condition to require formal consultation, consideration and approval by the local planning authority. Accordingly, I shall impose a condition requiring further details to be submitted to and approved by the Council. Such details will include those relating to the proposed package sewage treatment plant in order to protect the water environment; and details of any external lighting, utility buildings, boundary walls and gates in the interests of visual amenity.
72. For the reasons explained earlier, I shall also include a requirement for the submission and approval of boundary treatment and landscaping details. In this, I have carefully considered the requirements for landscaping measures in the light of a temporary planning permission for 4 years. Both are important considerations in reaching my decision to grant at least a temporary permission. The appellant submitted illustrative details and specifications for a landscaping scheme involving fast growing native species which should provide effective screening quickly and certainly well within the period of the temporary planning permission. Given the extent of screening by existing vegetation, I am satisfied that within a period of 4 years this additional planting, including the

gapping up of hedgerows would have matured sufficiently to have had worthwhile benefits for some time. Implementation and management requirements naturally follow from the approval of landscaping details.

73. A layout plan would allow control over the siting of caravans to minimise their visual impact, flood risk and secure an orderly development. To further minimise flood risk it is necessary for the appellant to adopt an approved flood evacuation plan and to sign up to a flood warning system. The submission and approval of a topographic survey, a flood compensation scheme, and the slab levels of the caravan pitches above the 1 in 100 year flood levels are also necessary in order to minimise any flood risk to occupiers. I shall also require that investigation of any archaeological interest that may exist within the site area is undertaken.
74. I have revised some of the proposed conditions to aid clarity and to comply more fully with the guidance provided in Circular 11/95 but this does not alter their intent.

Philip Crookes

INSPECTOR

ANNEX

SCHEDULE OF CONDITIONS

- 1) The use hereby permitted shall be for a limited period being the period of 4 years from the date of this decision. At the end of this period the use hereby permitted shall cease, all caravans, materials and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition in accordance with a scheme previously submitted to and approved in writing by the local planning authority.
- 2) No development shall commence until a scheme specifying the condition of the land before development takes place, the works necessary to restore the land to that condition or some other state and the time period within which the restoration works are to be undertaken has been submitted to and approved in writing by the local planning authority.
- 3) The development of the Gypsy and Traveller site hereby approved shall be contained within the northern part of the appeal site being that area extending to approximately 70metres south of the northern boundary of the appeal site as indicated on Dwg. No. 10-5025-101A dated December 2010.
- 4) The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.
- 5) There shall be no more than 11 pitches on the site and on each of the 11 pitches hereby approved no more than two caravans shall be stationed at any time, of which only one caravan shall be a residential mobile home.
- 6) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

- 7) No commercial activities shall take place on the land, including the storage of materials.
- 8) The use hereby permitted shall not commence until details of the package sewage treatment plant(s) to provide for the disposal of foul sewage from each and every pitch has been submitted to and approved in writing by the local planning authority. The submitted details shall include the manufacturer's details for installation and operation. No pitch shall be occupied until the approved means for the disposal of foul sewage for that pitch has been installed and is operational. The approved plant(s) shall thereafter be retained, maintained and operated in accordance with the manufacturer's instructions for the duration of the residential occupation of that pitch.
- 9) No sheds or amenity/utility buildings shall be erected or placed on the site until details of their size, materials and location have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) This permission does not relate to the boundary walls and gates shown on Dwg. No. 09-3846-6. No development shall commence until a scheme for the means of enclosing the developed area has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls other than those approved under the scheme shall be erected unless details of the height, materials and location have been submitted to and approved in writing by the local planning authority.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no external lighting shall be installed unless details have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 12) No caravan shall be brought onto the site unless details of its intended siting have been submitted to and approved in writing by the local planning authority. The caravans shall only be positioned in the approved locations. Any material change to the position of a static caravan, or its replacement by another mobile home in a different location shall only take place in accordance with details submitted to and approved in writing by the local planning authority.
- 13) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include vehicle turning areas, hard surfacing materials and minor artefacts and structures (e.g. Furniture, play equipment, refuse or mother storage units).
- 14) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedule of plants, noting species, plant sizes and

proposed numbers/densities where appropriate; implementation programme.

- 15) All hard and soft landscape works shall be carried out in accordance with the approved details. All hard landscaping works shall be carried out prior to the occupation of any part of the development. All soft landscaping works shall be carried out in the first planting or seeding season following the first occupation of the site or in accordance with a programme previously agreed with the local planning authority.
- 16) No development shall take place until a schedule of landscape maintenance for a minimum period of three years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
- 17) No development shall commence until a topographic survey of the area intended to be developed on a grid not less than 5m centres and a plan showing the existing 5.47AOD contour have been submitted to and approved in writing by the local planning authority. Development shall only take place on land which is above that contour or which has been raised to that level by a flood compensation scheme (on a level for level, volume for volume basis with level bands not exceeding 200mm) which has been submitted to and approved in writing by the local planning authority. Changes to land levels shall only be carried out in accordance with the approved scheme and there shall be no other raising of land levels on the site or on land edged blue in the application which is within the floodplain as defined by the 5.47AOD contour.
- 18) No development shall commence until details of proposed land levels, any caravan/mobile home slab levels and the floor levels of all buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 19) No development shall commence until a scheme of flood precautions, including flood warning measures and emergency evacuation procedures has been submitted to and approved in writing by the local planning authority. The approved scheme shall be made known to all occupants of the site before they take up residence.
- 20) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Saira Kabir Sheikh	of Counsel, instructed by Head of Legal services, Huntingdonshire District Council
She called	
Mr R C Hobbs	Highway Development Control Engineer, Cambridgeshire County Council
Mrs J Gough BSc(Hons)	Environment Agency
Mr N Swaby BArch, MA, DipTP, MRTPI	Development management Team Leader, Huntingdonshire District Council

FOR THE APPELLANT:

Marc Willers	of Counsel, instructed by Stuart Edward Harrison
He called	
Mr DA Rutherford MSc, CEng, MICE, FIHT	Rutherfords Highway Planning Partnership – Old Chapel House, High Street, Haslingfield, Cambridge CB23 1JW
Benjamin Ball	Appellant
James William Ball	Intended site resident
William Fury	Intended site resident
Riley Smith	Intended site resident
Sean Lee	Intended site resident
Edward Hearne	Intended site resident
Stuart Alan Harrison	The Gables, Field Walk, Mildenhall, Bury St. Edmunds, Suffolk IP28 7AH
RIBA MRTPI	

INTERESTED PERSONS:

Terence V Rodgers (LLB Hons – London)	District Councillor for Earith Ward
Mr Williamson	Holywell-cum-Needingworth Parish Council
Sandra Mitcham	Holywell-cum-Needingworth Parish Council
Margaret Lumb	Bluntisham Parish Council
John Wright	Local landowner

DOCUMENTS

- 1 Attendance lists for each day of the inquiry
- 2 Letters of notification of the inquiry
- 3 Opening statement on behalf of Huntingdonshire District Council
- 4 Comments by Terence V Rodgers (LLB Hons – London) District
Councillor for Earith Ward
- 5 Manual for Streets 2
- 6 E-mails between the Council and Transport Manager, Whippet
Coaches Ltd.
- 7 CIRIA – 'Development and Flood Risk – guidance for the
construction industry
- 8 Environment Agency document – 'Flood Risk Management –
considering the use of flood plain compensatory storage (England)
- 9 Mr Rutherford's Highway and Traffic Statement Summary – April

- 2010
- 10 Stopping Sight Distances: Comparative analysis – submitted by Mr Rutherford
 - 11 Note regarding 'Carriageway Markings' and 'Traffic Signs Manual' (Road markings 2003) submitted by Mr Rutherford
 - 12 Note of agreed/disagreed positions regarding traffic and visibility data
 - 13 Certificate of Lawfulness dated 13 March 2002 regarding land at Barley Croft Drove
 - 14 Letter from Chief Planning Officer (CLG) dated 6 July 2010 regarding revocation of regional Strategies
 - 15 Written Ministerial Statement – 10 November 2010 regarding the Localism Bill and Planning (Hansard)
 - 16 Letter dated 10 November 2010 from the Chief Planning Officer (CLG) – 'Abolition of Regional Strategies'
 - 17 Letters from adjacent landowners regarding visibility splays
 - 18 Appellant's supplementary Rule 6 statement – 12 October 2010
 - 19 Letter dated 21 September 2010 from Stuart Harrison
 - 20 Bundle of press cuttings submitted by the appellant
 - 21 Supplementary proof of evidence of Nigel Swaby – November 2010
 - 22 Supplementary proof of Stuart Harrison – 17 November 2010
 - 23 Documents regarding 'fast growing trees' submitted by the appellant
 - 24 Appeal decision Hare and Hounds Kennels, Lingfield Common Road, Lingfield – Tandridge DC (Ref: APP/M3645/A/10/2125933)
 - 25 Supplementary proof of evidence of Jenny Gough for the Environment Agency
 - 26 Supplementary highway statement re: Manual for Streets 2 submitted by Mr Rutherford
 - 27 Updated proof of evidence of Walter Ball
 - 28 Updated proof of evidence of Sean Lee
 - 29 Updated proof of evidence of James Lee
 - 30 Updated proof of evidence of William Fury
 - 31 Updated proof of evidence of Riley Smith
 - 32 Updated proof of evidence of James William Ball
 - 33 Updated proof of evidence of Benjamin Ball
 - 34 Updated proof of evidence of Edward Hearne
 - 35 Witness statement of Gloria Eleanor Rose Buckley MBE
 - 36 Affidavit of Gloria Eleanor Buckley
 - 37 Family relationships between site residents
 - 38 Mr Hobbs response re Manual for Streets 2
 - 39 Response to Mr Rutherford's supplementary highway statement re Manual for Streets 2 submitted by Mr Hobbs.
 - 40 Bundle of appeal decisions by the Secretary of State for Communities and Local Government submitted on behalf of the appellant
 - 41 Letter dated 30 November 2010 from Dr Angela Bennett, Nuffield Road Medical Centre
 - 42 Draft list of planning conditions and comments thereon.
 - 43 Statement of Sandra Mitchell on behalf of Holywell-cum-Needingworth Parish Council
 - 44 Statement of Margaret Lumb on behalf of Bluntisham Parish Council

- 45 Statement of Mr Williamson on behalf of Holywell-cum-Needingworth Parish Council
- 46 Miss Sheikh's closing statement
- 47 Mr Willers closing statement

PLANS

- A 1:50000 scale plan showing the appeal site in a wider context
- B 1:500 topographic survey of the appeal site – 20 February 2009
- C 1:500 scale revised site layout on northern part of the appeal site submitted by the appellant (Drg No. 09-3846-30)
- D Plan showing wetlands conservation land
- E Revised Flood Zones
- F Bundle of drawings showing revised site layout (Drg No. 10-5025-101A) and other details (boundary treatment to southern boundary; day rooms; ditch and culvert details; sewage treatment plant; and new vehicular crossover)
- G Drg No. EPD-BLM1/3 – site spot levels indicating that part of the appeal site above 5.47AOD
- H Drg No. 10-5021-30A – mitigation areas for flooding
- I Drg No. EPD-BLM1/3 – topographic survey

PHOTOGRAPHS

- 1 Aerial photograph marked with 2.4 x 145m visibility splay