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South Kesteven District Council
Council Offices
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Our ref: MSP.1882/mjs

24 February 2022

Dear Sir / Madam

PLANNING APPLICATION REF: S22/0091; CHANGE OF USE OF LAND TO USE AS RESIDENTIAL CARAVAN SITE FOR TWO GYPSY FAMILIES, EACH WITH 3 CARAVANS INCLUDING NO MORE THAN ONE STATIC CARAVAN, TOGETHER WITH FORMATION OF NEW ACCESS, LAYING OF HARDSTANDING, ERECTION OF 2(NO.) UTILITY BUILDINGS AND INSTALLATION OF PACKAGE SEWAGE TREATMENT PLANT, 1A THE LODGES, MAIN STREET, CARLTON SCROOP, GRANTHAM, LINCOLNSHIRE

REPRESENTATIONS ON BEHALF OF CARLTON SCROOP AND NORMANTON ON CLIFFE PARISH COUNCIL

This representation is made on behalf of Carlton Scroop and Normanton on Cliffe Parish Council. The Parish Council **OBJECTS** to the proposed development.

In summary, the key planning objections to the development are as follows;

- ❖ The development represents an inappropriate and unsustainable form of development in an open countryside location.
- ❖ The claimed gypsy status of the applicant and the intending site occupiers, and the absence of a five-years supply of gypsy pitches, whilst material considerations, are outweighed by the substantial harm arising from the proposed development.
- ❖ The development is located beyond the built-up area, in open countryside. The village lacks facilities; there is no shop or school. This represents an unsustainable location for this type of development.
- ❖ The development by its nature will have a harmful visual impact upon the character and appearance of the open countryside and the setting of the village.

- ❖ The density of occupation on the site is considered excessive and will offer a poor standard of amenity, with resulting highways safety implications.
- ❖ The applicant has not demonstrated that there is sufficient space within the site, nor demonstrated that there are satisfactory ground conditions to accommodate the necessary drainage infrastructure to serve the development
- ❖ The development will materially conflict with development plan policies (in particular Policies SP1, SP2, SP4, SP5, H5 and EN1), the National Planning Policy Framework and the DCLG document: Planning policy for traveller sites (2015)

1. Status of applicants / need

The Design & Access Statement accompanying the application references the gypsy status of the applicants and occupiers of the site. There is however limited information about the previous location of the applicants, or their particular connections to this area. Paragraph 24 of the DCLG: Planning Policy for traveller sites (PPTS) document identifies that amongst the considerations that should be taken into account in the determination of applications for new sites are;

- a) the existing level of local provision and need for sites*
- b) the availability (or lack) of alternative accommodation for the applicants*
- c) other personal circumstances of the applicant*

There is insufficient information within the submitted application to draw any reasonable conclusions in relation to these matters. The personal circumstances of the applicant are not described, and there is no information upon where the intending occupiers lived before taking occupation of the site.

As such the respondents are not able to fully comment on the gypsy status of the applicants, nor to fully address the issue of need. There is some appeal evidence that indicates that gypsy and traveller families who have ceased a nomadic way of life are excluded from the formal definition of a gypsy or traveller, and that the consideration of applications for sites by such groups must be considered as development proposals in open countryside rather than against more specific gypsy and traveller policies.

In these circumstances, we consider it important that the District Council establishes whether all of the intending site occupiers satisfy the PPTS definition of gypsies, and also to more fully understand the existing housing circumstances of each of the intending occupiers. It is also reasonable to ask whether there are reasonable alternative sites available to the applicant to meet any need that may arise.

Whilst we understand that the Council does not have a 5-years supply of gypsy pitches, assuming the applicants fall within the relevant definition, this simply becomes a '*significant*' material consideration (PPTS; Para.27) to which weight may be attached in the overall planning balance. This is distinguishable from a residential housing land supply shortfall which would engage the '*tilted balance*' in paragraph 11 of the NPPF. Thus, a shortfall in deliverable gypsy pitches does not mean that planning permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits. Instead, a more conventional planning balance is applied. Whilst the lack of a 5-years supply is a significant material consideration in

favour of the development, as we shall demonstrate below, there are other significant material considerations that demonstrably outweigh the arguments in favour of the development sufficient to justify a refusal of planning permission. As in every other instance, planning decisions should be made in accordance with the development plan, unless material considerations indicate otherwise. In this instance there is a clear and fundamental policy conflict that is not outweighed by any other material considerations.

Importantly, the absence of a five-years supply does not mean that there is not an available supply of pitches. The Council has recently set out a schedule of sites with pitches (in its Matter 4 Statement for the recent Local Plan examination), which clearly demonstrates that there are consented sites that are available. Since that time also, planning permission has been granted on appeal for 6-pitches at Cold Harbour (S18/0944), and an additional pitch has been consented at Green Acres, Harrowby Lane (S20/2223). The recent appeal decision at Bulby Lane, Fulbeck (APP/E2530/W/19/3240125; para.81) describes the Cold Harbour application (then at appeal) as comprising a speculative application. If that is the case, this may represent a site capable of fulfilling any present need, if confirmed.

What is also clear is that each of these sites, as well as potentially having capacity to accommodate any need that may arise in this case, also have the capacity to increase the number of pitches within their respective sites. The Cold Harbour site certainly has a greater capacity than the 6 pitches approved. Given the general presumption against development in open countryside locations, it would be preferable in our view to accommodate any need arising by increasing the capacity of existing sites rather than creating new sites.

The absence of a five years supply of gypsy and traveller sites does not mean that there are no sites with planning permission, nor does it mean that there are no plots available. The absence of a five years supply is a material consideration, but not a determinative consideration. It needs to be considered alongside all other material considerations in the overall planning balance. In the Parish Council's view, there are significant other material considerations that outweigh the supply consideration in this case.

2. Open countryside

The application site is located in open countryside. It is not located within the built-up part of the village. Policy SP5 of the South Kesteven Local Plan states that in the countryside, development will be restricted other than for a number of stated exceptions – including for example, agricultural and forestry development, rural diversification projects and building conversions. The Policy SP5 exceptions do not include gypsy and traveller sites. This is reinforced by Paragraph 25 of the PPTS which states that *'local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.'*

The site in this instance is located outside of an existing settlement in open countryside, where there is a clear policy presumption against development. It is not claimed to comprise an edge of settlement site, there is no demonstration of community support, and the site does not relate well to the existing built form, so Policy SP4 is not engaged in this case.

The development as such materially conflicts with Policy SP5 of the Local Plan, and represents an inappropriate form of development in the countryside. The harm resulting from that countryside location is more fully considered later in this letter.

3.Sustainability considerations

The application site is located in countryside location. It is located in an area where new residential development would not be supported; Policy SP3 relates to proposals within the built-up part of settlements, so is not applicable in this case, the proposals do not satisfy the terms of Policy SP4 (no demonstration of community support, extends obtrusively etc). The development does not comprise any of the exceptions set out in Policy SP5. As such, the development does not comprise a sustainable form of development.

Moreover, Carlton Scroop lacks services and facilities. There is no shop, no doctor's surgery and no school. These facilities are located in either Caythorpe to the north or Barkston to the south. There is no locational advantage to siting a development in the vicinity of Carlton Scroop as there are no village facilities to sustain or support that development.

Policy H5(c) of the Local Plan, in considering gypsy and traveller sites states that sites should be '*in reasonable proximity to shops, schools and health facilities.*' This might reasonably be implied to refer to Larger Village locations, such as for example, Caythorpe or Barkston. Certainly, Carlton Scroop cannot be categorised as a settlement which offers a range of services, and the site cannot be defined as one within reasonable distance of a settlement with such a range of services.

Fundamentally, this is an unsustainable location for a gypsy site. It is not a location where new residential development would be supported, and would be deemed an unsustainable location for such development. Gypsy sites have an equivalent need for services and facilities – particularly schools, doctors and shops, and it is appropriate to locate such sites in close proximity to such services, and with good accessibility to them.

Sustainability may be defined in many different ways. The NPPF: Paragraph 8 sees sustainability as having three main interdependent dimensions. These dimensions should be pursued in mutually supportive ways in order that opportunities can be taken to secure net gains across each of the different objectives. Considered against these the strands, the development is demonstrably unsustainable.

- a) ***an economic objective*** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

The development in this case will not make a positive economic contribution to the local economy. It does not represent a development in the right place, nor is it at the right time. The site is not well located relative to existing infrastructure provision

- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

Whilst there may be some social benefit to the development, that is predicated upon an identified need. However, if that need is proven, policies require that development to be appropriately located. The development in this case is not appropriately located.

- c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The development will result in significant, adverse environmental impacts, in terms of visual intrusion in the countryside, The development does not make effective use of land, and the unsustainable location will result in unnecessary use of resources for journeys to and from the site

The development is demonstrably unsustainable and we consider that this represents reasonable grounds to refuse planning permission.

4. Visual impact considerations

The development represents a harmful, inappropriate development in open countryside. The development by its design and nature, will introduce high-visibility static and touring caravan units onto the site. The site is highly prominent when approaching the village from the south along the A607, and significantly detracts from the character and setting of the village.

Rather than the proposed hedgerow, a strident and discordant close boarded fence has been erected in the southern boundary of the site. This is visually intrusive in its own right and does not effectively screen the caravans that have already been stationed on the land. The erection of the fence to the boundary limits the ability to plant hedging as the applicant does not own adjoining land.

The proposed development is visually intrusive and will materially conflict with the provisions of Policy EN1 of the South Kesteven Core Strategy.

5. Amenity considerations

The proposed development by reason of increased vehicular activity, noise, lighting and built development, will impact upon the residential amenities of adjoining and nearby properties, and detract from the quiet, rural characteristics and ambience of the locale. No details of lighting associated with the site have been provided. There is a substantial concern that the proposed development will give rise to noise and light pollution impacts, to the detriment of nearby residential amenity.

It is also considered that the density of occupation is high and will create a poor-quality living environment for site occupiers. The submitted information indicates that there will be some 13 residents on the site, including nine-children under the age of 14. The DCLG Document Designing Gypsy and Traveller Sites: Good Practice Guide states that *as a general guide.....an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravanparking space for two vehicles and a small garden area*'. There is no provision for recreation or amenity space in this instance. Moreover, the proposed site layout, makes no provision for the parking of commercial vehicles or for the storage of goods / materials if it is intended that the site be utilised for mixed-use purposes or as part of a trade or business (The applicant's business website would suggests that they intend to run a business from the site). There is no indication of the amount and type of vehicular traffic that might be associated with any business usage of the site. The impression given is that the site will be overdeveloped, and will offer a poor standard of residential amenity for occupiers. The consequences of an overdeveloped or over-intensively used site will be less space for amenity use, and the need for vehicles to have to reverse out onto the busy A607.

The submitted plans identify a site layout that includes provision for 2(no.) static caravans and 4(no.) touring caravans. The static caravans as illustrated, measure 10m x 4m and 11m x 3.5m. The touring caravans measure between 5.5m and 7m in length. The Caravan Sites Act defines a caravan as measuring up to 20m long and 6.8m wide. Clearly static caravans of this size could not be accommodated on the site. Equally the size of touring caravans can vary considerably. Accommodating static and touring caravans in excess of the dimensions specified, will serve simply to exacerbate the amenity and overdevelopment concerns identified above.

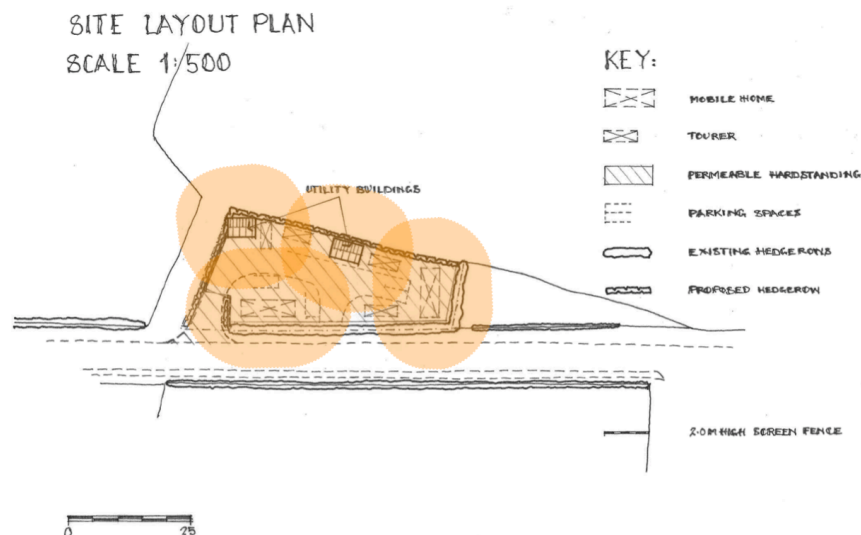
6. Drainage considerations

Although the site and surrounding land is located in flood zone 1, it has poor drainage characteristics and slow infiltration rates. These characteristics will impact upon the efficiency and effectiveness of conventional drainage arrangements such as soakaways septic tanks and package treatment plants. The application proposes the use of a package treatment plant to deal with foul water. The completed application forms make no reference to how surface water will be dealt with. (The hand completed application forms do not include the section dealing with surface water and flood risk). In view of the poor drainage characteristics of the land, the Council must satisfy itself before any grant of planning permission that this drainage method will function satisfactorily, and not impact upon either the occupation of the site, or upon adjoining property.

The application forms also reference the use of a package treatment plant, and the submitted information includes details of a proprietary package treatment plant, although the size of the proposed plant is not specified. No information has been supplied to identify where such a plant will be sited and where it will discharge to. There is no evidence to demonstrate, given the high density of occupation of the site, how a treatment plant and associated drainage field can be accommodated within the site whilst satisfying the requirements of the Building Regulations. The absence of such information, given the poor ground conditions, represents grounds to refuse planning permission. The use of conditions requiring later approval of such details would represent an inappropriate response given the particular characteristics of the site and surrounding land.

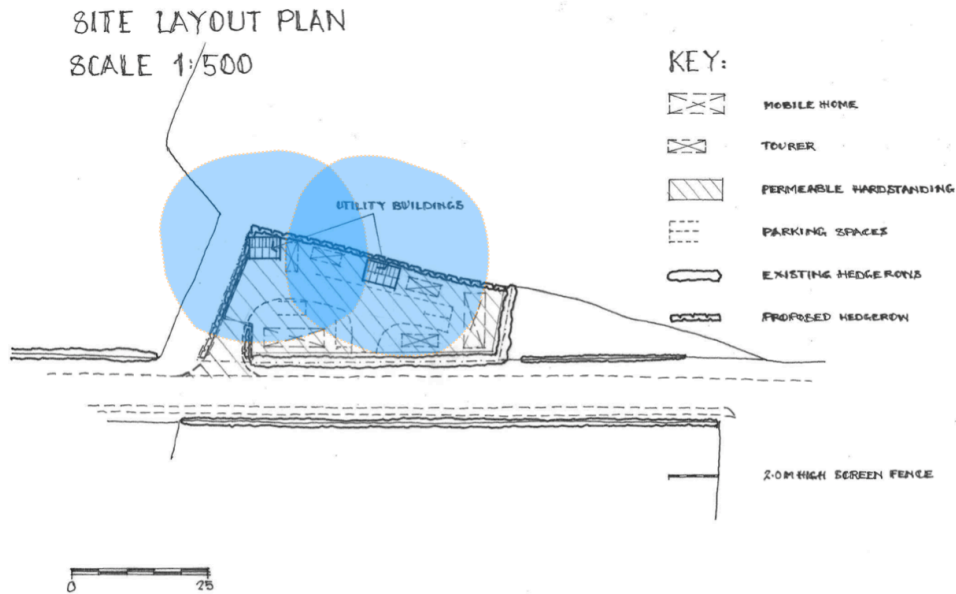
We would in particular make the following points with respect to drainage;

- ❖ The surrounding land has poor drainage characteristics. There is often standing water on adjoining land.
- ❖ The applicant has no access to or control of adjoining land. No information has been provided to show that there are any watercourses or ditches in the vicinity of the site that are able or capable of receiving a discharge from a package treatment plant. Therefore, all surface water and foul water needs to be treated and discharged to ground within the site, in a Building Regulations-compliant manner.
- ❖ Paragraph 5.13 of the DCLG Document: Designing Gypsy and Traveller Sites: Good Practice Guide states; *'Surface water drainage and storm water drainage must be installed. All drainage provision must be in accordance with current legislation, regulations and British Standards'* Similar comments are made at paragraph 5.19 in relation to foul sewage disposal; *'All sanitation provision must be in accordance with current legislation, regulations and British Standards'*.
- ❖ The Building Regulations stipulate that any package treatment plant should not be located within 10m of a building. Whilst caravans/ static caravans are not 'buildings' for the purposes of the Building Regulations, as the static caravans will be permanently sited, it is reasonable (in the interests of public health and amenity) to apply an equivalent separation consideration in terms of distance from a treatment plant. The plan below illustrates that taking into account the proposed buildings and static caravan sitings, the 10m separation requirement means that there is no available location to accommodate a package treatment plant.



A 10m stand off from buildings and static caravans (shown in orange shading) prevents the siting of a Building Regulations compliant package treatment plant

- ❖ The Building Regulations stipulate that a drainage field associated with a package treatment plant shall be at least 15m from any building. It is further stipulated that *'no access roads, driveways or paved areas should be located within the disposal area'*. A 15m exclusion area from the proposed site buildings even without taking account of the access roads and driveways effectively precludes the siting of a drainage field within the site.



Drainage fields associated with a treatment plant cannot be located within 15m of a building (Shown in blue shading), or located under a roadway or access. This is not feasible within the confines of the site

- ❖ Building soakaways should not be located within 5m of any building.
- ❖ No information has been submitted to demonstrate the ground conditions of the site and its ability to accommodate soakaway drainage and drainage fields (notwithstanding the comments above). No information has been submitted about the size and depth of drainage field required.

These factors would suggest that the proposed drainage arrangements are not satisfactory and that the applicant has not demonstrated that the site can be satisfactorily drained. We consider that these represent reasonable grounds to withhold planning permission.

10. Policy considerations

Planning policy on gypsy and traveller sites is set out within the DCLG document: Planning policy for traveller sites (2015) (PPTS). Whilst intended to inform the preparation of development plan policies, the document emphasises that the starting point for the consideration of any planning application is the development plan, and that applications should be determined in accordance with the plan, unless material indications indicate otherwise.

The document highlights that Councils should plan positively for gypsies and travellers, based upon up to date assessments of need. The expectation is that Council's should identify a five years supply of specific deliverable sites set against their locally identified targets. Paragraph 27 identifies that the absence of such a 5-year supply represents a 'significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.' The wording of paragraph 27 is quite specific in referring to materiality when considering applications for temporary planning permissions, and by implication it is not a significant material consideration when considering permanent sites such as proposed in this instance. As highlighted

above, the absence of five years supply does not engage the '*tilted balance*' provisions of Paragraph 11 of the NPPF which would typically arise in relation to 5-year housing land supply.

Guidance is set out in paragraphs 8-13 about the formulation of appropriate development plan policies.

Policy H of the PPTS (paragraphs 22-28) relates to the determination of applications for traveller sites. Paragraph 22 and 23 reinforce the primacy of the development plan and the NPPF presumption in favour of sustainable development. Paragraph 24 states that local planning authorities should consider the following issues – '*amongst other relevant matters*' – when considering planning applications for traveller sites;

(a) the existing level of local provision and need for sites

Whilst the Council identifies that they cannot presently demonstrate a five-years supply of pitches, it must reasonably consider whether there is a genuine need for this development, both in terms of compliance with the definition of gypsies and travellers as set out within Annex 1, and whether particular circumstances of the application represent a genuine need. It is also appropriate to consider whether that need is capable of being met on consented sites.

It is incumbent upon the Council to fully consider the question of need and to apply appropriate scrutiny to the particular circumstances of the application.

(b) The availability (or lack) of alternative accommodation for the applicants

In the respondents' view there is some evidence to suggest that there are existing sites that could meet accommodation needs.

(c) Other personal circumstances of the applicant

There is insufficient information supplied with the application to determine whether there are personal circumstances that are material to the determination of the application.

We would request, if there is information on personal circumstances, that this information is made available on the website for further comment. Indeed, withholding such information from the public may be seen to be prejudicial to the outcome of the application.

(d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

Consideration against the provisions of Policy H5 of the South Kesteven Local Plan is set out below.

- (e) That they should determine applications for sites from any travellers not just those with local connections.*

The application includes no details in relation to this consideration.

'Other relevant matters' referred to in paragraph 24 are outlined within this letter. Collectively these objections are of sufficient weight to justify a refusal of planning permission.

Policy C of the PPTS relates to sites in rural areas and the countryside. The policy, as set out in Paragraph 14 states that *'When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community'*.

This was a matter that was engaged in the recent appeal at Bulby Lane, Fulbeck. In considering the proposals in that case, the Inspector stated;

15. Concerns have been raised that the development would dominate the local settled community. Using the word dominate in its normal interpretation I see no reason why four families would dominate the 500 or so residents of Fulbeck or the smaller community of North End, both of which are some distance from the appeal site. However, the site is located between two plots which are outliers in the development pattern. A development comprising four families in this location would represent an abrupt change in density and does in my view represent a lack of respect for this element of the settled community.

16. Moreover, Paragraph 13 of PPTS also sets out criteria for assessing the suitability of sites in rural or semi-rural settings and requires that the scale of sites does not dominate the nearest settled community. Greenacres and Rose Croft are relatively remote from the rest of the village. Four families on an intervening site could be considered to dominate this element of the settled community.

In this instance, the site is located beyond the last property in the continuous part of the village and between that dwelling and a small number of outlying properties. Juxtaposed between these dwelling groupings, it is considered that similar conclusions may reasonably be drawn about the dominating impact of the development (and its high-density of occupation) on this particular part of the settlement community.

Policy H5 of the South Kesteven Local Plan sets out five considerations which will be taken into account when considering applications for gypsy and traveller pitches;

POLICY H5: GYPSIES AND TRAVELLERS <i>Proposals for residential gypsy and traveller pitches will be supported where;</i>		
No.	Criteria	Comment
a	the proposed site provides an acceptable living environment for its residents;	The applicant has not adequately demonstrated that the site provides an acceptable living environment for its residents. It has not been demonstrated that the site can be adequately drained. The density of occupation is high and will offer a poor standard of amenity. These factors will impact on the quality of the residential environment for any future occupiers
b	the site has good access to the highway network and will not cause traffic congestion or safety problems;	Whilst the site is located on an A-road, it is poorly related to services and facilities. Services – school, doctors, shops are not available in the village. The intensity of site usage is likely to give rise to the need for vehicles to reverse out of the site onto a busy A-road, where the speed limit is 40mph.
c	the site is in reasonable proximity to shops, schools and health facilities	See above. The site is not proximate to shops, schools and health facilities.
d	the site is not identified as an area at risk of flooding in the SFRA	Whilst the site is not located in a flood risk area, it has poor drainage characteristics. The applicant has not demonstrated that the site can be adequately drained. There is not considered to be space within the site to located soakaways, a package treatment plant and associated drainage field.
e	the scale and layout of the site will respect its relationship with any residential (settled) community and not place undue pressure on the local infrastructure.	In the respondents' view, the development by its scale and density of occupation will dominate the settled community in the vicinity of the site. Local infrastructure is limited and there are no village services and facilities to serve the development.

The development demonstrably fails to satisfy the requirements of the policy.

Policy SP% of the Local Plan as we have outlined above sets out a general presumption against development in the countryside. The development does not fall within the stated exceptions to this presumption and a material conflict with the spatial strategy thus arises.

Policy DFE1 of the Local Plan relates to the protection and enhancement of the environment. It outlines a range of considerations to which development proposals should have regard;

POLICY DE1: PROMOTING GOOD QUALITY DESIGN		
To ensure high quality design is achieved throughout the District, all development proposals will be expected to:		
No	Criteria	Comment
a	<i>Make a positive contribution to the local distinctiveness, vernacular and character of the area. Proposals should reinforce local identity and not have an adverse impact on the streetscene, settlement pattern or the landscape / townscape character of the surrounding area. Proposals should be of an appropriate scale, density, massing, height and material, given the context of the area;</i>	<p>The development will not make a positive contribution to local distinctiveness.</p> <p>There will be significant adverse impacts upon the street scene. The development will be visually intrusive, especially on the southern approach to the village along the A607.</p> <p>There will be a harmful and adverse impact upon the setting of the village.</p>
b	<i>Ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and have regard to features that minimise crime and the fear of crime; and</i>	The scale and location of the development will give rise to adverse impacts on nearby residential amenity by reason of noise disturbance, and increased vehicular movements
c	<i>Provide sufficient private amenity space, suitable to the type and amount of development proposed;</i>	Insufficient amenity space is provided within the development.

Development proposals should seek to:		
d	<i>Retain and incorporate important on site features, such as trees and hedgerows and incorporate, where possible, nature conservation and biodiversity enhancement into the development;</i>	There is insufficient screening to the site. The boundary fencing erected to the southern site boundary is intrusive and insufficient to screen the caravans stationed on the site.
e	<i>Provide well designed hard and soft landscaping; and</i>	There is not considered to be sufficient space in the site to provide any meaningful landscaping to mitigate the harmful effects of the development.
f	<i>Effectively incorporate on site infrastructure, such as flood mitigation systems or green infrastructure, as appropriate.</i>	It is not considered that there is sufficient space within the site to accommodate necessary drainage infrastructure.

Material policy conflicts with the above policies arise in this case. These represent valid grounds to refuse planning permission in this case.

Planning balance

Whilst the claimed gypsy status of the applicants may have some relevance to the consideration of the application, the absence of a five-years supply of pitches needs to be considered with some caution. Paragraph 27 of the PPTS suggests that it may only

be a significant material consideration in relation to applications for a temporary planning permission. This implies that it is not a significant consideration in respect of permanent sites. Set against these considerations there are clear and substantial objections to the development; inappropriate countryside development, unsustainable location of development, impact upon settled community, amenity standards and impacts, inadequate drainage proposals and potential adverse highways impacts and dangers to road users. Clear policy objections flow from these issues. In the overall balancing of considerations, it is considered that these harms substantially outweigh any potential benefits.

Conclusions

These submissions highlight the inappropriateness of the development in this location. The development represents an unacceptable development in open-countryside, which will detract from the character, appearance and rural character of the locality. The need for the development is not proven. Fundamentally, the site represents an inappropriate and unsustainable location for this form and type of development. The settlement, lacks any facilities of note and the nearest facilities are in villages several miles from the site. The development will materially conflict with national and local planning policies – notably Local Plan Policies SP1, SP5, H5 and DE1. For the reasons outlined, it is considered that planning permission should be refused.

Mike Sibthorp
Mike Sibthorp Planning

February 2022