



Report

Inquiry held on 13 July 1999

by Bridget M Campbell BA(Hons) MRTPI

an Inspector instructed by the Secretary of State for the
Environment, Transport and the Regions

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Appeal : APP/J1535/A/99/1017660

- 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 brought by **J Brede and S Breaker** against Epping Forest District Council.
- The site is located at Silverwood and Springfield Yards, Tylers Cross Nursery, Broadley Common, Nazeing.
- The application (ref:EPF/960/98), dated 2 July 1998, was refused on 26 October 1998.
- The development proposed is the change of use of the land to accommodate an extension of the exiting travellers' mobile home caravan site, with an increase of 7 homes, making a total of 9.

Recommendation: The appeal be dismissed.

Introduction

1. I have the honour to report that on 13 July 1999, I held an inquiry at the Council Offices, 323 High Street, Epping into the above appeal.
2. The reasons for refusal are:
 1. The site is within Metropolitan Green Belt. The proposed works represent inappropriate development and are therefore at odds with Government advice, as expressed in PPG2, the policies of the adopted Local Plan and the Approved Essex Structure Plan. The latter states that within the Green Belt permission will not be given, except in very special circumstances for the construction of new buildings or for the change of use or extension to existing buildings except for the purposes of agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, cemeteries, or similar uses which are open in character. In the view of the Local Planning Authority the application does not comply with these policies because the very special circumstances submitted are not considered to overcome the policy presumption against development as set out above.
 2. The proposal if permitted would result in the consolidation of built development which by its nature would detract from the visual appearance and from the rural character of its surroundings contrary to Local Plan Policies.
 3. The proposal would intensify the use of a sub-standard access on a stretch of classified highway where the principal use is that of carrying traffic freely and safely between centres of population. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but the intensification of that conflict and interference which this proposal would engender would lead to the deterioration in

the efficiency of the through road as a traffic carrier and be detrimental to highway safety.

3. The appeal was recovered for determination by the Secretary of State by direction made on 24 February 1999 for the reason that the appeal relates to proposals for significant development in the Green Belt.
4. This report includes a description of the appeal site and surroundings, the gist of the representations made at the inquiry and my conclusions and recommendation. Lists of appearances, documents, plans and photographs are attached.

The site and surroundings

5. The appeal site forms part of Tylers Cross Nursery, which covers a large area of land to the west of the B181, Epping Road and Common Road (document 7, appendix 1 & appendix 10, proposals map). I understand that the Nursery formerly comprised a single horticultural enterprise but has been sub-divided into some 13 individual holdings. No precise information has been provided concerning the various uses at the Nursery. Some horticultural/nursery activities continue utilising existing glasshouses and it was agreed at the inquiry that there are 5 single family gypsy pitches, which include the 2 occupied by the Appellants' families. Whilst I found it difficult to identify all the various uses at the Nursery, I saw a significant haulage/distribution depot and a site used for the storage of old cars. The Council say that there are other industrial and storage uses.
6. There are a number of substantial glasshouses on the Nursery, together with an assortment of other buildings, tanks and structures, including a large utilitarian shed of blue sheeting with grey sheeting to the pitched roof. Parts of the Nursery, including the existing gypsy sites, have a well maintained and cared for appearance, whilst other areas contain dilapidated, neglected buildings or comprise neglected, overgrown land some of which is used for dumping rubbish.
7. The principal access into the Nursery, used by practically all the occupiers, is from the B181, Epping Road, and it adjoins and merges with the northern side of an access to Fernhurst, a house fronting Epping Road. The access lies some 250m to the south of a roundabout junction and about 130m north of the Epping Road/Common Road junction (document 6, appendix POE/02). There are a good number of other private accesses along this stretch of road. Epping Road is subject to a 40mph speed limit in the vicinity of the access and there is a single footway along the eastern side opposite the access. The road is designated as a principal county distributor and acts as a connector between Harlow to the north east and Waltham Abbey to the south west (document 6, appendix POE/01). It was reasonably busy during my visit.
8. At my visit, I saw that visibility from the access along Epping Road to the north is restricted by overgrown road-side vegetation. In a southerly direction, the restriction is more severe due to the gentle curve of the road (photo 1). Vegetation close to the road edge, including 3 dead trees, and some planting within the front garden of Fernhurst further limit views of traffic approaching from this direction. During my visit the access was in regular use, mainly by commercial vehicles including articulated lorries.
9. The main access way within Tylers Cross Nursery runs through the site in a south westerly direction. Springfield and Silverwood Yards, occupied by the Appellants, are situated on the southern side of this main access. The appeal site lies to the rear of Springfield and

Silverwood and extends to the southern boundary of the Nursery (plan A). It has its own vehicular access leading from the main access serving the Nursery, adjacent to the eastern boundary of Silverwood.

10. The appeal site has been raised above the level of adjoining land to the east and south (document 7, appendix 2). The northern part of the site and the access are surfaced with chippings and are enclosed by close boarded fencing. There is a timber L shaped building in the north western corner and, at the time of my visit, there were 9 occupied caravans stationed on this part of the site.
11. The southern part of the site appears to be ready for a final coating of chippings and was vacant at my visit. Some planting on adjoining predominantly open land appears to mark the eastern boundary of the southern part of the site but the western boundary, bordering neglected and tipped land, is ill-defined. There is some thin planting along the southern boundary of the site, beyond which is a designated footpath and a further glasshouse belonging to a separate nursery.
12. A scatter of houses, primarily fronting Epping Road and Common Road, to the south and east of Tylers Cross Nursery form the small settlement of Broadley Common, and there are other small settlements nearby. A number of other nurseries in the general area accommodate large glasshouses. Otherwise the land is predominantly open, with some gentle undulations and mainly in agricultural use. The edge of the urban area of Harlow lies less than one kilometre to the west (document 6, appendix POE/01 & document 7, appendix 10, proposals map).
13. There are a number of footpaths to the south and west of the Nursery (document 7, appendix 11). That passing along the southern boundary of the appeal site would afford public views of the site. The path, however, is not discernible as it passes the site and is impassable due to unchecked brambles, nettles and similar vegetation. Other paths in the vicinity are more easily recognised although none seemed to me to be well used. From these, views towards the appeal site are possible but these are very distant and generally the site is screened by intervening vegetation. Currently, the most notable public viewpoint available is from Common Road, across the car park and garden of a public house. From this direction, I saw the tops of caravans on the appeal site against a backdrop of other structures on the Nursery including the large utilitarian shed. Photographs of the site and the surroundings are to be found in document 7 at appendices 2 & 3.

Planning background

14. A schedule summarising the complex planning history of Tylers Cross Nursery is contained in document 6 at appendix 4 and a number of appeal decisions, including several relating to gypsy sites, are to be found in appendix 5. However, most of the applications and enforcement notices do not relate specifically to the appeal site.
15. Appeals by Mr Brede and Mr Breaker were made against an enforcement notice issued in 1984 relating to the use of Pinewood Yard (now Springfield and Silverwood Yards) for the purposes of stationing caravans for human habitation. The notice was quashed and conditional planning permission was granted on 17 January 1985. The permission enures only for the benefit of the Appellants and the number of caravans is restricted to 2. At the same time a similar enforcement notice relating to the adjoining site, Rosewood Yard, was quashed and a similar planning permission granted for occupation by Mr Breaker's brother (document 6, appendix 6 & document 8).

REPORT

16. An appeal to retain a hay barn and stables to the rear of Springfield was dismissed on 3 March 1994 (document 6, appendix 5).

The proposed development

17. The proposal would involve the provision of individual plots for 7 mobile homes to accommodate some of the Appellants' children, all of whom are gypsies. The plots would be evenly distributed over the appeal site, to either side of a central access leading from the existing access and with a turning head at the southern end. Each pitch would have its own curtilage with 2 parking spaces and space for a touring caravan in addition to the mobile home. A sewage treatment plant would be located in the south eastern corner of the site (plan A).
18. The fence currently dividing the site would need to be removed but the existing L shaped building is shown to be retained. Indicative planting/landscaping is included on the application drawing, specifically along the boundaries of the site.

The Development Plan

19. The Development Plan for the area comprises the Essex County Structure Plan Second Alteration 1995 (together with retained and unaltered policies from the Approved Structure Plan 1982 and the Approved First Alteration 1991) (hereinafter referred to as the Structure Plan) and the Epping Forest District Adopted Local Plan 1998 (the Local Plan). Extracts from the Structure Plan are to be found in document 6, appendix 8 and document 7, appendix A and extracts from the Local Plan are to be found in document 6, appendix 10 and document 7 appendix C.
20. The policies of the Development Plan define the boundaries of the Metropolitan Green Belt and seek to concentrate development within urban areas and selected rural settlements (S1, S6, S7 - Structure Plan, GB1 - Local Plan). Outside the defined urban areas and rural settlements, the whole of the District including the appeal site is Green Belt. Policy S9 of the Structure Plan contains a presumption against development in the Green Belt unless there are very special circumstances or the proposal is for one of the uses specified, which do not embrace the appeal proposal. Policy GB2 of the Local Plan states that permission will not be granted for development in the Green Belt unless it is appropriate. Gypsy sites are not included within the definition of appropriate development in the policy.
21. Both the Structure and Local Plan contain specific policies relating to gypsy caravan sites. BE6 of the Structure Plan states that provision is to be made and that proposals are to be considered against the total number of families to be accommodated in Essex; migratory habits, primary areas of local trade and employment, seasonal or permanent; and the requirements of families in respect of permanent sites, transit sites and temporary stopping places on the basis of the needs within each District.
22. Policy H11 of the Local Plan indicates that proposals for sites within the Green Belt will be assessed having regard to: (i) whether there are any special circumstances which would justify an exception to the Green Belt policies of restraint; and (ii) to the impact on the openness of the Green Belt and the character and appearance of the countryside. The accompanying text to the policy requires applicants to comply with the legal definition of a gypsy and to reside in or resort to the District or, exceptionally, other parts of Essex (para. 9.75). In addition, sites are required to meet 6 locational criteria (para. 9.76).

REPORT

23. The Council has also referred to policies relating to the provision of mobile homes, but at the inquiry agreed that these are not of direct relevance to the appeal proposal (BE5-Structure Plan, GB5-Local Plan).
24. Tylers Cross Nursery together with the adjoining nursery to the south are surrounded by, but excluded from, the extensive Nazeing and South Roydon Conservation Area (document 6, appendix 12). Policy C1 of the Structure Plan and HC6 of the Local Plan seek to resist development which would be detrimental to the character, appearance or setting of conservation areas.
25. To facilitate the continued well being of the glasshouse industry and to limit any new glass to the area in which the industry is now concentrated, the Local Plan identifies specific areas, which include Tylers Cross Nursery and the nursery to the south, where the erection or re-erection of horticultural glasshouses will be permitted (policy E13).
26. Policies T4 of the Structure Plan and T17 of the Local Plan address the effects of traffic generated by development, including the impact on the existing system and on highway safety. Other policies referred to by the Council relate to the preservation and enhancement of the countryside and landscape, the protection of farmland, woods, trees and hedgerows, the protection of neighbours' amenities, and to the provision of landscaping as part of a development (NR1, NR10, NR15-Structure Plan, LL1, LL2, LL3, LL11, DBE9-Local Plan).
27. There is also a draft deposit version of the Essex Replacement Structure Plan which was published in February 1998 (the draft Structure Plan). Extracts are to be found in document 6, appendix 9 and document 7, appendix B. Although policies have been updated and reworded, the general thrust remains the same.
28. With regard to accommodation for gypsies, however, the draft Structure Plan recognises that there is an urgent need for additional sites given the scale of gypsy presence in Essex. Policy H6 requires the maintenance of existing provision and further site provision to be made in local plans where appropriate. Local plans should identify the extent of need within the area and set out proposals and/or criteria based policies to facilitate meeting the need. Proposals for sites should demonstrate the need for the site; be within a reasonable distance of local services and facilities; and be capable of assimilation into the landscape.

Matters not in dispute

29. The Appellants' gypsy status is not in dispute. It is further accepted that the proposal is for inappropriate development in the Green Belt having regard to the policies of the existing Development Plan, the draft Structure Plan, and national policy in PPG2.
30. With regard to the locational criteria in the accompanying text to policy H11 of the Local Plan, it is agreed that criteria (a), (e) and (f) are met in that the site is within reasonable distance of a settlement for access to schools, shops, etc.; that it is capable of providing an acceptable living environment; and that it is within an area frequented by gypsies.

The case for the Appellants

The material points are:-

31. The proposal is for a specialist form of accommodation for which there are very specific policies in the Development Plan. Whilst the policy context is somewhat deficient in that

there is no quantitative measurement of need, the Development Plan is up to date and accords with advice set out in Circular 1/94. National and regional guidance points to the need to provide for the housing requirements of all sectors of the community, and Circular 1/94 specifically aims to ensure that the planning system recognises the need for accommodation consistent with gypsies' nomadic lifestyle.

32. The repeal of the statutory duty of local authorities to provide accommodation on caravan sites for gypsies residing in or resorting to their area, and the introduction of the Criminal Justice Act 1994 introducing severe sanctions against unauthorised encampments, have made the gypsy way of life more difficult and have made the need for secure accommodation more important. It is hardly surprising, therefore, that the Appellants' children should seek such accommodation with their parents who already have land with a planning permission.
33. Essex has one of the largest numbers of gypsy caravans of any English County, and the Eastern Region has the largest concentration of any region. The statistics show a high and continuing number of unauthorised caravans, notwithstanding the considerable progress which has been made with public and private sites (document 4, annex A & document 12). There is only one Council site within the District and this is generally full.
34. The evidence of the need for more sites which may be drawn from the gypsy count statistics has been confirmed in the recent report of the Chief Executives' Association *Travellers in Essex* (document 7, appendix 13). In particular, recommendation 6 states that the urgent need for further gypsy sites in Essex warrants local planning authorities considering such a need as constituting an exceptional circumstance which could warrant a departure from policy and the consequent granting of planning permission. Attention is also drawn to recommendations 2 (increased commitment to ensure adequate provision is made), 7 (same priority as housing for non-gypsies), 12 (flexible programmes to cater for a wider variety of needs), and 21 (maximum capacity on new sites of 12-20 caravans).
35. It is not uncommon to find several generations of gypsies staying together on the same land reflecting the extended family tradition. Mr Brede and Mr Breaker have been at Tylers Cross Nursery since about 1983 and their children have been brought up and educated there. The additional pitches are required for their maturing children, many of whom are married or are about to be married (document 10). Mr Brede and Mr Breaker who are brothers in law, always travel together. Some of the older children now travel independently, but all use Tyler Cross Nursery as their residential base where the family can be together.
36. It is accepted that the 7 additional pitches would not be sufficient for the future needs of the younger members of the families but any further requirements would have to be dealt with separately at that time. The proposal is for a relatively modest number of households reflecting personal and current needs.
37. The council have referred to the case of *Ayres v. Secretary of State for the Environment and South Gloucestershire Council*, J.P.L (1997) 1121-1130, but this confirms that the matter of need is a material consideration (document 11). The suggestion that the development would result in the loss of land that could be used for horticulture is insignificant when there is no evidence of any increase in land under glass for this declining industry. The loss is far outweighed by the acute need of the Appellants' families.

38. No alternative solutions have been sought, nor has the Council's offer to discuss other sites been taken up, as the Appellants are specifically committed to the appeal site. It is already in their ownership and is the preferred location.
39. The appeal site was purchased at the same time as Silverwood and Springfield Yards. Part of the site has been fenced off and surfaced with chippings for over 5 years. It has been used to station caravans of visiting relatives of the Brede and Breaker families for some years on an informal basis, apparently without complaint. Whilst the proposal is specifically to accommodate their children, Mr Brede and Mr Breaker indicated at the inquiry that they would like to be able to continue to offer accommodation for visiting relatives.
40. With regard to the visual impact on the Green Belt and surrounding countryside, this would be minimal as the site forms part of a larger parcel of land accommodating various businesses and activities. It is relatively secluded and is not visually prominent as it is tucked between glasshouses. The adjoining public footpath is impassable and the development would barely be seen from the surrounding area, as illustrated by the Council's photographs (document 7, appendix 3).
41. The proposal would thus also have a minimal impact on the extensive neighbouring conservation area, which specifically excludes Tylers Cross Nursery and appears to have been designated primarily for its landscape value despite government advice to the contrary (document 7, appendix 12). There would be no undue visual intrusion for the occupiers of nearby residential properties as the nearest house, Merriemount, is some 80m from the site.
42. The opportunity would be taken to implement a scheme of planting and landscape treatment in discussion with the Council and concentrating on the boundaries to improve screening and the general appearance of the site. This could be the subject of a condition.
43. The access to Tylers Cross Nursery has existed for many years. It is not within the control of the Appellants, and the Council have not previously raised concerns regarding its use. It is located along a stretch of road where there are many other accesses and a good proportion of drivers using Epping Road would have a good knowledge of the local area. It is accepted that visibility from the access in a southerly direction is restricted by the curve of the road, but the line of sight could be improved to some degree by the management of roadside vegetation and in particular by the removal of the dead trees.
44. Traffic speeds along Epping Road are low and there is no evidence of any accidents arising from the use of the access, despite regular use by articulated lorries. Although there would be an increase in traffic movements as a result of the proposal, there is the possibility of shared trips as all occupiers would belong to one family, and numbers would also significantly reduce when members of the family were travelling. In addition, caravans would only be moved onto and off the site at the beginning and end of periods of travelling.
45. Reference is made to 3 appeal decisions which allowed gypsy sites within the Green Belt (document 4, annexes B, C and D). It is accepted that these carry limited weight in the determination of this appeal as they relate to the specific circumstances of those cases but particular attention is drawn to paragraph 17 of Annex B; paragraphs 7-10 of Annex C; and paragraphs 12 and 13 of Annex D. Furthermore, additional pitches on existing sites have been allowed in the District at Mamelons Farmyard, Waltham Cross and on the local authority site at Stanford Rivers (document 7, appendix 14).

46. The combination of current government legislation and policy towards gypsies, as relevant to the particular past history and present circumstances of the Appellants' families; the continuing shortfall of accommodation in the District, County, Region and Country; the particular history and suitability of the appeal site for the development; and other relevant appeal decisions, amount to very special circumstances sufficient to outweigh the presumption against inappropriate development in the Green Belt. The proposal, therefore, complies with the principal policies of the Development Plan addressing the provision of gypsy sites. Other objections raised by the Council are of little relevance and should not be allowed to cloud the primary consideration.

The case for the Local Planning Authority

The material points are:-

47. The Green Belt has remained largely unaltered since it was first designated in 1957. The boundaries are quite closely drawn around built up areas to prevent the encroachment of development into the countryside and to prevent the coalescence of settlements. Its success is evident by the fact that the rural character of large parts of the District has successfully been maintained. The Local Plan allocates sufficient land to fulfil the requirements of the Structure Plan so that there is no need to develop housing in the Green Belt.
48. Government advice is that Green Belt land should not be allocated for gypsy sites in development plans and Circular 1/94 withdrew previous guidance indicating that it may be necessary to accept the establishment of gypsy sites in Green Belts. The inappropriate development proposed is, by definition, harmful and the harm would manifest itself by increasing the urbanisation of a rural site in the gap between Harlow and Broxbourne, and by encroaching into an open space that should form part of the countryside.
49. The site lies to the south side of the Nursery and is separated from adjoining land and properties to the south and east by a thin, mainly deciduous tree/hedge line (document 7, appendix 2). Nearby fields have similar, but more dense, demarcation (document 7, appendix 3). The 7 mobile homes, touring caravans and parked vehicles would intrude upon the surrounding rural area, particularly in winter months, and would intensify the developed appearance of the Nursery. Whilst it is accepted that the footpath along the southern side of the site is overgrown, it is a designated route and thus there are public vantage points close by (document 7, appendix 11).
50. Additional landscaping around the boundaries would help to screen the development but this would not overcome the loss of openness, and evergreen planting would appear incongruous. In addition, the site would visually intrude upon the outlook from neighbouring residential properties.
51. The south eastern corner of the appeal site abuts the Nazeing and South Roydon Conservation Area boundary and the proposal would harm the surrounding historic landscape, one of the principal reasons for the designation (document 8, appendix 12). The development would thus conflict with policy C1 of the Structure Plan and policy HC6 of the Local Plan.
52. It is accepted that the appeal site lies within a nursery already developed with a significant area of glasshouses. The Local Plan, however, recognises the importance of the long established horticultural industry and policy E13 makes provision for new and replacement glasshouses within specified areas, of which Tylers Cross Nursery is one (document 7,

REPORT

appendix 10-proposals map & pages 110 & 111). The existence of the glasshouses do not, therefore, justify other forms of development. Moreover, the loss of the land could increase pressure to build glasshouses elsewhere in the future.

53. An automatic traffic count carried out during the week commencing 15 May 1999 revealed some 13,300 vehicles passing the site during an average weekday with 1,228 between 0800-0900 hours and 1,324 between 1700 and 1800 (document 6, appendix POE/03) which is reasonably heavy for the type of road. A speed survey carried out on 19 May 1999 confirmed that traffic generally conforms to the 40mph speed limit (document 6, appendix POE/06).
54. For busy private accesses such as that to Tylers Cross Nursery, PPG13 requires 120m visibility along the road in both directions from a point 4.5m. back from the junction. This is not achieved. Nonetheless, Annex D of PPG13 accepts that it is not always possible to comply fully with visibility standards and local advice is found in Essex County Council's *The Highway Aspects of Development Control* (document 5 & document 6, appendix POE/03).
55. From a reduced distance back from the junction of 2.4m, a visibility distance of 120m can be achieved to the north and this is considered to be acceptable. Even with the reduction, however, visibility to the south is restricted to 60m which is well below minimum standards (document 6, appendix POE/07). Whilst it is accepted that it is not possible to be exact about the distances due to the very wide bell-mouth and informal layout of the junction, any allowance made would not add significantly to views of approaching traffic.
56. The substandard nature of the junction is extremely hazardous as drivers of vehicles approaching from the south and drivers of vehicles emerging from the access cannot see one another at a sufficient distance. The removal of the dead trees would not result in a significant improvement. Any increase in the use of the access would unacceptably add to traffic danger and the development is likely to generate some 42 additional movements per day. The proposal thus conflicts policy T4 of the Structure Plan and T17 of the Local Plan which seek to maintain and improve road safety (document 8, appendices A & C).
57. It is accepted that there is a shortfall of accommodation for gypsies nationally, in the County and particularly within the District. However, the existing gypsy sites of Silverwood and Springfield do not provide a reason for further expansion at this location. The children, for whom the accommodation would be provided, clearly resort to the area and have close family ties, but the need for the whole family to live on one site is desirable rather than essential. None of the Appellants' children, other than those who would continue to live with their parents, is still at school and none has to live on the site because of employment. There may be an alternative, more suitable solution elsewhere in the area but no search has been made and the Council's offer to discuss the matter was not taken up.
58. The recommendations in the Chief Executives' Association report *Travellers in Essex* should carry little weight in this appeal as the document has no statutory status and it has been criticised by the District Council (document 7, appendix 13). If the appeal were to be allowed there would be the possibility of pressure for a further increase in accommodation in the future.
59. Attention is drawn to the case of *Ayres v. Secretary of State for the Environment and South Gloucestershire Council*, J.P.L (1997) 1121-1130 where it was held that gypsy sites have no special status in relation to the Green Belt. They are not one of the limited categories of use

which is considered to be appropriate in such an area. The need for a gypsy caravan site is not a special consideration in its own right as it had been under the earlier Circulars. Any proposal must be considered in the light of normal Green Belt policies (document 11). In the current case nothing has been presented to prove that the need for the development on the appeal site, for these particular families, is so great so as to amount to a very special circumstance sufficient to outweigh the harm to the Green Belt.

60. The proposal is considered to be unacceptable having regard to the considerations set out in criteria (i) and (ii) of policy H11 of the Local Plan and also having regard to locational criteria (b), (c) and (d) in the accompanying text.

Written representations

61. Letters have been received from **Nazeing Parish Council**, from **D G Mason** at Ivy Cottage, Tylers Road, **Mrs J Murphy** at Merriemount, Common Road and **L E Somerfield** at Fairlawn, Broadley Common (document 3).
62. The points variously made are that the development would be inappropriate in the Green Belt, at odds with government advice, and in conflict with Development Plan policies. The Appellants' families have lived on the site for 14 years without requiring further mobile homes. The Green Belt would be eroded and it would be difficult to refuse further applications in the area. The development would harm the visual appearance of nearby residential properties and the rural character of the area. The Nursery is already overused commercially with operations continuing at night and at weekends. The access is unsuitable. The Appellants' frequent bonfires already cause a nuisance for neighbours.
63. Written representations received in connection with the application as opposed to the appeal are attached to the Appeal Questionnaire.

Conditions

64. Four possible conditions suggested for the Appellants were discussed at the inquiry. The first would restrict occupation of the site to the children of Mr J Brede and Mr S Breaker, and to their dependants, because permission would only be granted having regard to the special circumstances of these particular families. The possibility of widening the condition to enable occupation by other relations was resisted by the Council as this would be difficult to enforce and would go beyond the arguments put forward to justify the inappropriate development in the Green Belt.
65. The second condition would prevent the site being used for business purposes or for open storage in order to limit the impact on the area, but with the exception of the provision of one lorry parking space per pitch (not HGV). To prevent the overdevelopment of the site, the third condition suggested would limit the number of mobile homes/caravans per pitch to 2, one of which should be a touring caravan. Finally, it was agreed that a landscaping scheme for the site should be submitted for approval within 3 months of any permission granted, to be implemented in accordance with a timetable to be agreed in writing with the local planning authority.

Conclusions

66. The following conclusions are based on my report of the oral and written representations, and on my inspection of the site and its surroundings. In this section the numbers in square brackets [n] refer to paragraphs in the preceding sections of the report from which these conclusions are drawn.
67. One matter of law has been raised [37, 59]. My view is that the starting point for the determination of the appeal is the Development Plan. The need for the gypsy caravan site is, nonetheless, a matter to be taken into account and to be weighed in the balance along with all other material considerations.
68. There is no dispute that the Appellants are gypsies and that the development is inappropriate in the Green Belt having regard to the meaning within PPG2 and the policies of the Development Plan [29]. In these circumstances there appear to be 3 main considerations in this appeal. These are: firstly the effect of the development on the character and appearance of the area, taking into account the Green Belt designation, the rural setting, and the neighbouring conservation area; secondly the effect on the conditions of highway safety along the B181, Epping Road; and, thirdly whether there are any very special circumstances sufficiently compelling to outweigh the presumption against inappropriate development in the Green Belt and to justify the development in the face of any other objections.
69. Looking at the first consideration, inappropriate development is, by definition, harmful to the Green Belt. The site is predominantly open, albeit that part is periodically used for the unauthorised stationing of caravans [10, 11, 39]. The spread of development over the whole site would result in a serious loss of openness, the most important attribute of the Green Belt, which would add to the harm "by definition" [17, 48].
70. Tylers Cross Nursery currently forms a hotchpotch of buildings, spaces and uses which, to my mind, already intrudes upon the pleasing rural landscape [5, 6, 12]. The proposal would add to and consolidate the developed appearance of part of the southern side of the Nursery, producing a harder edge and undermining the current soft transition to adjoining land. The proposal would, therefore, increase the intrusion of the Nursery upon the rural surroundings and upon the Nazeing and South Roydon Conservation Area and would thus conflict with the policies of the Development Plan designed to preserve and enhance such areas and their setting. [24, 26, 49, 51]. Although policy E13 of the Local Plan permits the erection of glasshouses at the Nursery, this is for a specific purpose, and does not provide justification for other forms of development [52].
71. The appeal site does not, however, immediately adjoin the open countryside, as there is a separate nursery to the southern side [11]. In addition, public vantagepoints are limited and in the main are distant and generally screened by intervening vegetation [13]. From Common Road, across the car park and garden of the public house, the tops of the mobile homes and caravans would be seen. Nonetheless, they would be viewed against a backdrop of other structures on the Nursery, notably the large utilitarian shed which I found to be particularly prominent [13].
72. The adjoining public footpath could be cleared and made available for use which would enable public views of the site from close quarters [13, 40, 49]. However, it seems to me that a landscaping scheme, concentrating on the boundaries of the site, would do much to

REPORT

screen the development from all public viewpoints [42, 50]. In my opinion, there is no reason why some suitable evergreen species should not be included in a planting scheme, the details of which could form the subject of a condition for subsequent consideration.

73. The occupiers of residential properties along Common Road are able to see the site, particularly from upper floor windows [12, 41, 50]. Nevertheless, I consider that the site is sufficiently distant from these properties that the development would not unacceptably intrude upon the occupiers' outlook.
74. Concluding on the first main consideration the proposal would harm the character and appearance of the area. The loss of openness would damage the integrity of the Green Belt and the consolidation of development on the Nursery would harm the rural scene and the setting of the neighbouring conservation area. The apparent visual damage, however, would be limited by the particular characteristics of the locality and could be further mitigated by the implementation of suitable landscaping. Nonetheless, the fact that the development might not be easily seen is not, by itself, a good argument as it could be repeated too often to justify development in the Green Belt/countryside.
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77. The access is, however, in regular use by a variety of vehicles including articulated lorries [8, 43, 44]. Although the road is reasonably busy, traffic speeds between the junctions to the north and south of the access generally conform to the 40mph speed limit [7, 53]. With a good number of accesses along this stretch of the road, it seems to me that drivers on the Epping Road exercise due caution, being alive to the possibility of emerging vehicles [7, 43, 53]. This appears to be borne out by the lack of any recorded accidents arising from the use of the access [44].
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79. Every additional vehicle emerging from a substandard access presents a potential traffic hazard and thus the proposal would have a harmful effect on the conditions of highway safety along the B181, Epping Road. In my view, this contributes to the unsuitable nature of the site in addition to the objections found in relation to the first main consideration. However, taking into account existing traffic conditions along Epping Road and the already

frequent use of the access, I believe that, on balance, the increased use of the access arising from the development is not an overriding factor sufficient to justify a refusal on highway safety grounds alone.

80. With regard to the third consideration, the policies of the Development Plan seek to make provision for gypsies [21, 22]. Policy H6 of the draft Structure Plan which is more up to date than the existing Structure Plan, reflecting current government guidance, requires local plans to make further site provision for gypsies residing in or resorting to the area where appropriate [28]. Criterion (i) of policy H11 of the Local Plan recognises that in the case of gypsies, there might be special circumstances which would justify an exception to the Green Belt policies of restraint [22].
81. The Appellants' children, for whom the proposed pitches are intended, are of an age where they might be expected to live in separate accommodation from their parents [35]. Clearly, they have strong links with the area both historically and taking into account the close family ties [35, 57]. In my opinion, it is not unreasonable for them to seek to remain in the area to which they are associated.
82. There is a recognised severe shortage of gypsy accommodation within the County and District [28, 33, 34, 57]. In addition, all land outside identified towns and settlements in the District is Green Belt, so that it is unlikely that the children would find suitable accommodation in the area that is not in Green Belt [20,]. It is understandable that the appeal site is preferred as it is already owned by the Appellants and would enable the families to remain living together [32, 35, 38]. Nevertheless, there is no essential need for the children to live on this particular site rather than in the general area, such as schooling or local employment [57].
83. No search has been undertaken to ascertain whether other more suitable sites exist; neither has the Council's offer to discuss alternative solutions been taken up [38, 57]. Whilst I consider that there are strong reasons why the children should be able to remain in the locality, nothing has been presented to demonstrate that there is no prospect of finding suitable alternative accommodation so as to indicate that it is necessary for them to remain on the appeal site. My conclusion on the third main consideration is, therefore, that the personal circumstances of the Appellants' families do not amount to very special circumstances sufficiently compelling to outweigh the presumption against inappropriate development in the Green Belt or to justify the development in the face of the other objections identified.
84. In my view, if this appeal were to be allowed without special justification, the Council would find it difficult to resist further pitches for these families in the future [36, 58]. In addition, it would be difficult to resist applications for the expansion of the other 3 gypsy sites located at Tylers Cross Nursery.
85. Section 54A of the Town and Country Planning Act 1990 requires the appeal to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Local Plan includes a specific and detailed policy, H11, relating to gypsy caravan sites within the Green Belt [22]. I consider the proposal to be in conflict with this policy as I have found no special circumstances as required by criterion (i) to justify an exception to the Green Belt policies of restraint. Moreover, in the absence of such special circumstances, there is nothing to outweigh the harmful impact on the openness of the Green Belt and on the character and appearance of the countryside; the consideration in criterion (ii) of the policy.

REPORT

86. With regard to the locational criteria in the accompanying text to policy H11, the parties agree that criteria (a), (e) and (f) are met and I find no reason to reach a different conclusion [22, 30]. Moreover, I believe that criterion (b), that the site should not be in close proximity to residential properties, is met since the nearest house is approximately 80m from the site. It is difficult to assess whether the site would have a minimum impact upon the appearance of the countryside as required by criterion (c) without knowing whether there are alternative sites which would have less of an impact. Finally criterion (d) requires the site to have a convenient and safe access to the main road network and I have already identified the hazards associated with the use of the existing access to the Nursery.
87. Taking other matters raised in evidence into account, I consider that the loss of land that might in future be used for horticulture carries little weight in the face of the current state of that industry and having regard to the acknowledged acute shortage of gypsy accommodation [37, 52]. The Chief Executives' Association report *Travellers in Essex* confirms the need for further gypsy accommodation, but its recommendations do not override the provisions of the Development Plan [34, 58].
88. The 3 appeal decisions specifically referred to, and the 2 sites within the District where additional pitches have been allowed, demonstrate that there are instances where gypsy site provision in the Green Belt has been accepted. Nonetheless, the appeal falls to be determined having regard to the specific circumstances of this case in relation to the provisions of the relevant Development Plan [45].
89. Having regard to my findings on the 3 main considerations and that I have found nothing to indicate that the appeal should be determined otherwise than in accordance with the Development Plan, I conclude that the development should not be allowed. If the Secretary of State disagrees and decides to allow the appeal then the conditions set out in paragraphs 64 and 65 of my report should be imposed for the reasons given.

A handwritten signature in black ink, appearing to read 'D. Bell', is written in a cursive style. The signature is located below the main body of text and to the left of the page number.

REPORT

APPEARANCES

FOR THE APPELLANT:

Dr R K Home MA(Cantab) PhD DipTP MRTPI Acting as Advocate and Witness. 91 Mortimer Road, London N1 4LB

He called

Mr J Brede Appellant. Silverwod Yard, Tylers Cross Nursery, Broadley Common, Nazeing, Essex

Mr S Breaker Appellant. Springfield Yard, Tylers Cross Nursery, Broadley Common, Nazeing, Essex

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Beard Of Counsel, instructed by the solicitor to the Council

He called

Mr R Farahmand MSc DIC MA DIR Transport and Highways Consultant. c/o Epping Forest District Council
MCIT

Mr I Phillips BA(Hons) MRTPI Planning Consultant. c/o Epping Forest District Council

DOCUMENTS

- Document 1 List of persons present at the inquiry
- Document 2 Notification of the inquiry and list of persons notified
- Document 3 Representations received
- Document 4 Annexes A -D to Dr Home's evidence
- Document 5 Paragraphs 4.4.1- 4.4.8 of Mr Farahmand's proof of evidence
- Document 6 Appendices POE/01- POE/07 to Mr Farahmand's evidence
- Document 7 Appendices 1-14 to Mr Phillips' evidence
- Document 8 Documents A-J appended to the Council's Pre inquiry Statement
- Document 9 Copies of 2 Enforcement Notices dated 5 March 1984 relating to land at Tylers Cross Nursery
- Document 10 Pages 1 and 2 of the supporting statement accompanying the application
- Document 11 Case Law Report, extract from [1997] J.P.L. pages 1121-1130
- Document 12 Counts of gypsy caravans in the eastern region supplied by DETR

PLANS

Plan A Application drawing number 961/1

REPORT

PHOTOGRAPHS

Photo 1 Plate 1 appended to Mr Farahmand's evidence

Photo 2 Photographs of the appeal site and its surroundings, to be found at appendices 2 and 3 to Mr Phillips' evidence

I/S/L/J/B/L/R/S/J/S/NBD/NFD/V.R/CDE/R/A/M/N/PJG/G/F!
GO-East R/A/J/G/P/S/I/S/W/C/W/TC/MK



GOVERNMENT OFFICE
FOR THE EAST OF ENGLAND

PF. 974.

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5 January 2000

Our Ref: APP/J1535/A/99/1017660
Your Ref: Brede

Dear Sir

H 11

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78(1)
APPEAL BY J BREDE & S BREAKER
LAND AT SILVERWOOD AND SPRINGFIELD YARDS TYLERS CROSS
NURSERY BROADLEY COMMON NAZEING
APPLICATION NO: EPF/960/98

1. I am directed by the Secretary of State for the Environment, Transport and the Regions to say that consideration has been given to the report of the Inspector, Miss B M Campbell, BA(Hons), MRTPI, who held a local inquiry into your clients' appeal against the decision of Epping Forest District Council to refuse planning permission for the change of use of land to accommodate an extension of the existing travellers' mobile home/caravan site, with an increase of seven homes, making a total of nine on land at Silverwood and Springfield Yards, Tylers Cross Nursery, Broadley Common, Nazeing, Essex.

2. The Inspector, whose conclusions are reproduced in the annex to this letter, recommended that the appeal be dismissed. A copy of her report (IR) is enclosed.

3. The Secretary of State has given careful consideration to all the arguments for and against the appeal proposal and to the Inspector's conclusions and recommendation. In considering the report, the Secretary of State has read "document 6, appendix 12" in lines 2 and 3 of paragraph 24 as "document 7, appendix 12".

The Nazeing and South Roydon Conservation Area

4. Tylers Cross Nursery, together with the adjoining nursery to the south, are surrounded by, but excluded from, the Nazeing and South Roydon Conservation Area. In determining your clients' appeal, the Secretary of State considers it appropriate that he should have regard to the desirability of preserving or enhancing the character or appearance of the Conservation



INVESTOR IN PEOPLE

Area, as is required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Development Plan

5. Under section 54A of the Town and Country Planning Act 1990, as introduced by section 26 of the Planning and Compensation Act 1991, the Secretary of State is required to determine your clients' appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the area consists of the adopted Second Alteration Essex Structure Plan 1995, together with the retained and unaltered policies from the approved Structure Plan 1985 and the approved First Alteration 1991, and the adopted Epping Forest District Local Plan 1998.

6. In determining your clients' appeal, the Secretary of State has had particular regard to Structure Plan policies S1, S6, S7, S9, BE6, C1, T4, NR1, NR10 and NR15 and to Local Plan policies GB1, GB2, H11, HC6, E13, T17, LL1, LL2, LL3, LL11 and DBE9. Details of those policies are set out in paragraphs 20 - 22 and 24 - 26 of the Inspector's report.

7. The Essex Replacement County Structure Plan has been placed on deposit and an Examination in Public has been held. Although not part of the development plan, the relevant emerging policies within the Replacement Structure Plan are a material consideration in the determination of the appeal. The Plan recognises that there is an urgent need for additional sites given the scale of gypsy presence in Essex. That need is reflected in emerging policy H6, details of which are set out in paragraph 28 of the Inspector's report. The Secretary of State has had regard to that policy in determining your clients' appeal.

Planning Policy Guidance Note 2: Green Belts and National Guidance on Gypsy Site Provision

8. Government policy on Green Belts is set out in Planning Policy Guidance Note 2 (PPG2). That policy, as reflected generally in the development plan, states that there is a general presumption against inappropriate development in the Green Belt and that such development should not be approved except in very special circumstances. Paragraph 3.4 of PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for a particular purpose. The purposes listed do not include the use of land for gypsy caravan sites. Inappropriate development is, by definition, harmful to the Green Belt. It is for the Applicant to show why permission for such development should be granted.

9. Guidance on the provision of sites for gypsy caravans is set out in Department of the Environment Circular 1/94. In that guidance, the Government recognised that many gypsies would prefer to find and buy their own sites to develop and manage. Local Plans are, wherever possible, to identify locations suitable for gypsy sites. Where that is not possible, plans should set out clear, realistic criteria for suitable locations, as a basis for site provision policies. The guidance repeats the advice that gypsy sites are not regarded as being among those uses of land which are normally appropriate in Green Belts.

The Main Issues in the Appeal

10. Your clients' gypsy status was not in dispute. It was also accepted that the proposal was for inappropriate development in the Green Belt (IR 29 & 68). The Secretary of State considers that the main issues in your clients' appeal are whether:

i) the proposed development would harm the character and appearance of the area, having regard to the Green Belt designation, the rural setting, and the neighbouring Conservation Area;

ii) the proposed development would have a detrimental effect on highway safety along the B181, Epping Road; and

iii) there are any very special circumstances which would justify allowing the inappropriate development.

Issue (i) – The Harm to the Character and Appearance of the Area

11. The Inspector concluded, for the reasons given in paragraphs 69 – 73 of her report, that the proposal would harm the character and appearance of the area. The loss of openness would damage the integrity of the Green Belt and the consolidation of development on the Nursery would harm the rural scene and the setting of the neighbouring conservation area. The apparent visual damage, however, would be limited by the particular characteristics of the locality and could be further mitigated by the implementation of suitable landscaping. The Secretary of State agrees with the Inspector. He accepts the Inspector's comment that the fact that development might not be easily seen was not, by itself, a good argument as it could be repeated too often to justify development in the Green Belt/countryside.

Issue (ii) – Highway Safety

12. The Secretary of State agrees with the Inspector that every additional vehicle emerging from a substandard access presents a potential traffic hazard (IR 79). He also agrees with the Inspector, for the reasons given in paragraphs 75 – 78 of the report, that the appeal proposal would have a harmful effect on the conditions of highway safety along the B181, Epping Road. He accepts that that contributes to the unsuitable nature of the site, in addition to the objections found in relation to the first main consideration. However, the Inspector concluded that, on balance, the increased use of the access arising from the development is not an overriding factor sufficient to justify a refusal on highway grounds (IR 79). The Secretary of State agrees.

Issue (iii) – The Very Special Circumstances

13. The Inspector noted that policy H6 of the draft Replacement Structure Plan is more up to date than the existing Plan and that it requires Local Plans to make further site provision for gypsies residing in or resorting to the area where appropriate. Criterion (i) of Local Plan

policy H11 recognises that in the case of gypsies, there might be special circumstances which would justify an exception to the Green Belt policies of restraint (IR 80). The Secretary of State agrees that your clients' children, for whom the proposed pitches are intended, are of an age where they might be expected to live in separate accommodation from their parents. He accepts that they have strong links with the area both historically and taking into account the close family ties. He shares the Inspector's opinion that it is not unreasonable for them to seek to remain in the area to which they are associated (IR 81).

14. In considering this appeal, the Secretary of State has given weight to the recognised severe shortage of gypsy accommodation within the County and District. He has also taken account of the fact that all land outside identified towns and settlements in the District is Green Belt. Although the Secretary of State accepts that there is no essential need for the children to live on that particular site, rather than in the general area, he has given weight to your clients' argument that it is not uncommon to find several generations of gypsies staying together on the same land reflecting the extended family tradition (IR 35). He considers that the importance of the extended family tradition outweighs the fact that there is now no essential need for the children to reside on the appeal site.

15. The proposed development would harm the character and appearance of the area and the openness of the Green Belt. The consolidation of development would harm the rural scene and the setting of the conservation area. In addition, the increased use of the access onto Epping Road contributes to the unsuitable nature of the appeal site. However, the apparent visual damage would be limited by the particular characteristics of the locality and could be further mitigated by suitable landscaping. The effect on road safety is also not an overriding factor sufficient to justify a refusal on safety grounds alone. When added to the harm to the character and appearance of the area and the Green Belt, the Secretary of State is satisfied that the effect of the appeal proposal on road safety is still not enough to justify refusal. Your clients have not undertaken a search to ascertain whether other more suitable sites exist or taken up the Council's offer to discuss alternative solutions. Nevertheless, the Secretary of State considers that, even assuming that the requisite site or sites could be identified, they would in all probability also be in the Green Belt. In the Secretary of State's opinion, this factor, together with the desirability of maintaining the traditional gypsy family unit, outweigh the disadvantages identified by the Inspector. Taken with the severe shortage of gypsy accommodation in Essex and the District, he is satisfied that, in this instance, very special circumstances exist which justify allowing your clients' appeal.

Planning Conditions

16. The Secretary of State has had regard to the conditions which should be imposed on the grant of planning permission. The Inspector considered that if the appeal were to be allowed, then the conditions set out in paragraphs 64 and 65 of her report should be imposed. The Secretary of State agrees. He also agrees with the Council that the possibility of widening your clients' first suggested condition to enable occupation by other relations of your clients should not be accepted. He shares the Council's view that such a widening of the condition

would be difficult to enforce and would go beyond the arguments put forward to justify the inappropriate development in the Green Belt (IR 64).

The Secretary of State's Formal Decision

17. For the reasons given above, the Secretary of State does not accept the Inspector's recommendation that the appeal be dismissed. Accordingly, he allows your clients' appeal and hereby grants planning permission for the change of use of land to accommodate an extension of the existing travellers' mobile home/caravan site, with an increase of seven homes, making a total of nine on land at Silverwood and Springfield Yards, Tylers Cross Nursery, Broadley Common, Nazeing, Essex, in accordance with Application No EPF/960/98, subject to the following conditions:

- i) The use hereby permitted shall be carried on only by the children of Mr J Brede and Mr S Breaker and their dependants.
- ii) No more than one lorry parking space per pitch shall be provided, and no such space shall be used for parking a Heavy Goods Vehicle. Subject thereto, no part of the development hereby permitted shall be used for any business or open storage purposes.
- iii) The number of mobile homes/caravans per pitch hereby permitted shall be limited to two, one of which shall be a touring caravan.
- iv) Within three months of the date of this permission, details of a scheme for the landscaping of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out only in accordance with the approved details and only in accordance with a timetable to be agreed in writing beforehand by the Local Planning Authority.

18. Your clients' attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused, or is granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

19. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.

20. A separate note is enclosed setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by the making of an application to the High Court.

21. Copies of this letter have been sent to Epping Forest District Council, those parties who appeared at the inquiry and the local residents who asked to be notified of the Secretary of State's decision.

Yours faithfully

Andrew N Hayes

ANDREW N HAYES
Authorised by the Secretary of State
to sign in that behalf



Conclusions

66. The following conclusions are based on my report of the oral and written representations, and on my inspection of the site and its surroundings. In this section the numbers in square brackets [n] refer to paragraphs in the preceding sections of the report from which these conclusions are drawn.
67. One matter of law has been raised [37, 59]. My view is that the starting point for the determination of the appeal is the Development Plan. The need for the gypsy caravan site is, nonetheless, a matter to be taken into account and to be weighed in the balance along with all other material considerations.
68. There is no dispute that the Appellants are gypsies and that the development is inappropriate in the Green Belt having regard to the meaning within PPG2 and the policies of the Development Plan [29]. In these circumstances there appear to be 3 main considerations in this appeal. These are: firstly the effect of the development on the character and appearance of the area, taking into account the Green Belt designation, the rural setting, and the neighbouring conservation area; secondly the effect on the conditions of highway safety along the B181, Epping Road; and, thirdly whether there are any very special circumstances sufficiently compelling to outweigh the presumption against inappropriate development in the Green Belt and to justify the development in the face of any other objections.
69. Looking at the first consideration, inappropriate development is, by definition, harmful to the Green Belt. The site is predominantly open, albeit that part is periodically used for the unauthorised stationing of caravans [10, 11, 39]. The spread of development over the whole site would result in a serious loss of openness, the most important attribute of the Green Belt, which would add to the harm "by definition" [17, 48].
70. Tylers Cross Nursery currently forms a hotchpotch of buildings, spaces and uses which, to my mind, already intrudes upon the pleasing rural landscape [5, 6, 12]. The proposal would add to and consolidate the developed appearance of part of the southern side of the Nursery, producing a harder edge and undermining the current soft transition to adjoining land. The proposal would, therefore, increase the intrusion of the Nursery upon the rural surroundings and upon the Nazeing and South Roydon Conservation Area and would thus conflict with the policies of the Development Plan designed to preserve and enhance such areas and their setting. [24, 26, 49, 51]. Although policy E13 of the Local Plan permits the erection of glasshouses at the Nursery, this is for a specific purpose, and does not provide justification for other forms of development [52].
71. The appeal site does not, however, immediately adjoin the open countryside, as there is a separate nursery to the southern side [11]. In addition, public vantagepoints are limited and in the main are distant and generally screened by intervening vegetation [13]. From Common Road, across the car park and garden of the public house, the tops of the mobile homes and caravans would be seen. Nonetheless, they would be viewed against a backdrop of other structures on the Nursery, notably the large utilitarian shed which I found to be particularly prominent [13].
72. The adjoining public footpath could be cleared and made available for use which would enable public views of the site from close quarters [13, 40, 49]. However, it seems to me that a landscaping scheme, concentrating on the boundaries of the site, would do much to

REPORT

screen the development from all public viewpoints [42, 50]. In my opinion, there is no reason why some suitable evergreen species should not be included in a planting scheme, the details of which could form the subject of a condition for subsequent consideration.

73. The occupiers of residential properties along Common Road are able to see the site, particularly from upper floor windows [12, 41, 50]. Nevertheless, I consider that the site is sufficiently distant from these properties that the development would not unacceptably intrude upon the occupiers' outlook.
74. Concluding on the first main consideration the proposal would harm the character and appearance of the area. The loss of openness would damage the integrity of the Green Belt and the consolidation of development on the Nursery would harm the rural scene and the setting of the neighbouring conservation area. The apparent visual damage, however, would be limited by the particular characteristics of the locality and could be further mitigated by the implementation of suitable landscaping. Nonetheless, the fact that the development might not be easily seen is not, by itself, a good argument as it could be repeated too often to justify development in the Green Belt/countryside.
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76. In a southerly direction, however, visibility is more limited and cannot be improved sufficiently by the removal of the dead trees and the maintenance of roadside planting [8, 43, 55]. There will, therefore, always be potential conflict between traffic approaching from this direction and vehicles emerging from the access. Any increase in the use of the access would add to this hazard and the proposal cannot be said to further the aims of the transport policies of the Development Plan which seek to maintain and improve road safety [26, 56].
77. The access is, however, in regular use by a variety of vehicles including articulated lorries [8, 43, 44]. Although the road is reasonably busy, traffic speeds between the junctions to the north and south of the access generally conform to the 40mph speed limit [7, 53]. With a good number of accesses along this stretch of the road, it seems to me that drivers on the Epping Road exercise due caution, being alive to the possibility of emerging vehicles [7, 43, 53]. This appears to be borne out by the lack of any recorded accidents arising from the use of the access [44].
78. The estimated increase of 42 additional vehicular movements per day assumes full occupation of the proposed pitches and does not take into account the periods when members of the family would be away travelling [56, 44]. Moreover, I consider that the figure would be further reduced as a result of shared trips, which would be likely to take place as all the occupiers would be closely related [35, 44].
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REPORT

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 81. The Appellants' children, for whom the proposed pitches are intended, are of an age where they might be expected to live in separate accommodation from their parents [35]. Clearly, they have strong links with the area both historically and taking into account the close family ties [35, 57]. In my opinion, it is not unreasonable for them to seek to remain in the area to which they are associated.
 82. There is a recognised severe shortage of gypsy accommodation within the County and District [28, 33, 34, 57]. In addition, all land outside identified towns and settlements in the District is Green Belt, so that it is unlikely that the children would find suitable accommodation in the area that is not in Green Belt [20,]. It is understandable that the appeal site is preferred as it is already owned by the Appellants and would enable the families to remain living together [32, 35, 38]. Nevertheless, there is no essential need for the children to live on this particular site rather than in the general area, such as schooling or local employment [57].
 83. No search has been undertaken to ascertain whether other more suitable sites exist; neither has the Council's offer to discuss alternative solutions been taken up [38, 57]. Whilst I consider that there are strong reasons why the children should be able to remain in the locality, nothing has been presented to demonstrate that there is no prospect of finding suitable alternative accommodation so as to indicate that it is necessary for them to remain on the appeal site. My conclusion on the third main consideration is, therefore, that the personal circumstances of the Appellants' families do not amount to very special circumstances sufficiently compelling to outweigh the presumption against inappropriate development in the Green Belt or to justify the development in the face of the other objections identified.
 84. In my view, if this appeal were to be allowed without special justification, the Council would find it difficult to resist further pitches for these families in the future [36, 58]. In addition, it would be difficult to resist applications for the expansion of the other 3 gypsy sites located at Tylers Cross Nursery.
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REPORT

86. With regard to the locational criteria in the accompanying text to policy H11, the parties agree that criteria (a), (e) and (f) are met and I find no reason to reach a different conclusion [22, 30]. Moreover, I believe that criterion (b), that the site should not be in close proximity to residential properties, is met since the nearest house is approximately 80m from the site. It is difficult to assess whether the site would have a minimum impact upon the appearance of the countryside as required by criterion (c) without knowing whether there are alternative sites which would have less of an impact. Finally criterion (d) requires the site to have a convenient and safe access to the main road network and I have already identified the hazards associated with the use of the existing access to the Nursery.
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88. The 3 appeal decisions specifically referred to, and the 2 sites within the District where additional pitches have been allowed, demonstrate that there are instances where gypsy site provision in the Green Belt has been accepted. Nonetheless, the appeal falls to be determined having regard to the specific circumstances of this case in relation to the provisions of the relevant Development Plan [45].
89. Having regard to my findings on the 3 main considerations and that I have found nothing to indicate that the appeal should be determined otherwise than in accordance with the Development Plan, I conclude that the development should not be allowed. If the Secretary of State disagrees and decides to allow the appeal then the conditions set out in paragraphs 64 and 65 of my report should be imposed for the reasons given.

A handwritten signature in black ink, appearing to read 'D. P. Bell', is written in a cursive style. The signature is enclosed within a large, hand-drawn circle.