
Appeal Decision

Hearing held on 7 June 2016

Site visits made on 29 April and 7 June 2016

by Mr J P Sargent BA(Hons) MA MRTPI

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

Decision date: 10 August 2016

Appeal Ref: APP/K2420/C/15/3132569

**Land north-west of Cold Comfort Farm, Rogues Lane, Hinckley,
Leicestershire LE10 3DX**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Michael Cash against an enforcement notice issued by Hinckley & Bosworth Borough Council (HBBC)
- The notice was issued on 23 July 2015.
- The breach of planning control as alleged in the notice is the unauthorised change of use of land from agriculture to use as a residential gypsy and traveller caravan site.
- The requirements of the notice are
 - i. Permanently cease the use of the land as a residential caravan site
 - ii. Permanently remove from the land all caravans; associated vehicles and domestic paraphernalia
 - iii. Reinstate the land to its former condition as an open grassed field.
- The period for compliance with the requirements is 3 months for requirements (i) and (ii), and 4 months for requirement (iii).
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Act as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended is also to be considered.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Decision.

The notice

1. The Land, as defined in the notice, comprises a field of roughly 2.02ha. However, the parties accepted that the entirety of this was not a residential gypsy and traveller caravan site and indeed that had never been the case. Rather, it was being used for a mixed use comprising a residential gypsy and traveller caravan site and the keeping of horses. It was agreed the alleged breach could be corrected in this regard without prejudice to any party.

Procedural matters

2. This appeal was initially to be determined by means of written representations with a site visit scheduled for 29 April 2016. However I changed the procedure to that of a Hearing, but still viewed the site when in the area on that date.
 3. It was agreed the deemed planning application was for 2 pitches, and that, if allowed, each pitch would contain a static caravan and a touring caravan. I appreciate that this number of caravans has not been present to date, and no static caravan has been on the site since the commencement of the breach. However, 2 static and 2 touring caravans could be put on the land without
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stepping outside of the allegation before me, and it is reasonable to expect static caravans to be on a residential gypsy and traveller site. Moreover, I am aware that the number of pitches and the number of caravans can be controlled by conditions.

4. With the agreement of the parties I am therefore considering the appeal on the basis that permission is sought for 2 pitches, each of which would contain no more than 2 caravans, with no more than one being a static caravan. Although what the static caravans would look like is not known at this stage, the precise appearance of caravans on a site is rarely controlled under a planning permission. Moreover, a condition could require them to accord with the definition of a caravan in the relevant legislation.

Main Issues

5. The main issues in this case are
 - a) the effect of the development on the character and appearance of the countryside;
 - b) whether the distance to services places undue reliance on the use of the private car;
 - c) the effect on highway safety;
 - d) if any harm is caused whether this is outweighed by material considerations and
 - e) whether a temporary permission would be justified.

Policy

6. After the Hearing the *Site Allocations and Development Management Policies DPD* (the DMP) was adopted and the *Hinckley & Bosworth Local Plan* was then no longer part of the development plan. Accordingly I have taken into account the policies in the DMP rather than those in the Local Plan.

Reasons

The status of the residents

7. I was told that the residents on site would be Mr Alwyn and Mrs Martina Smith, together with their daughter, Roseanne, and her husband, the Appellant Michael Cash. It was contended they had never lived in bricks and mortar, none of them had permanently ceased travelling and they all fell under the definition of gypsies and travellers given in *Planning policy for traveller sites* (PPTS).
8. The Council did not challenge this, and indeed it implicitly accepted their status by identifying the breach of planning control as the use of the land as a gypsy and traveller site. It added though that nothing had been forthcoming to support the contentions.
9. However, while he had no evidence to the contrary Mr Wiggins said the status of the site's residents had not been proven. To my mind though there is no substantive reason to question the Appellant's assertions in this regard, and so I have proceeded on that basis.

10. A Mr Phillips also stayed on the site intermittently, but it was accepted he did not fall within the definition of gypsies and travellers and I was not told he had sole occupancy of either of the caravans now present. No case for his continued presence was offered.

Issue a) Character and appearance

11. This site lies in an area that is defined by HBBC in its development plan as being countryside. It is characterised by fields enclosed with hedges and occasional small copses and has a scattering of farmsteads and houses. While it was said it also had historic associations with the Battle of Bosworth, the site of the battle is some distance away and there is no specific designation relating to that battlefield that affects the land subject of the appeal.
12. The notice concerns a field that lies to the south of Rogues Lane and to the west of an unnamed track (the track) that runs between lane and Cold Comfort Farm to the south-east. Otherwise, around the site is agricultural land used for arable purposes and grazing.
13. Access is currently taken from the track. Near to the access are 2 caravans and a campervan that are set around some rough hard surfacing and paving. There is also a 'portaloo' and 2 sheds, one of which is used for cooking and the other is a store. On the south-east corner of the land is a stables block, and the bulk of the site is grassed and used for grazing horses.
14. The *National Planning Policy Framework* (the Framework), the PPTS and the development plan do not lay down an objection in principle to gypsy and traveller development in the countryside. There is therefore no basis in local or national policy to consider that the principle of the use is unacceptable here.
15. In reaching this view, I have noted the PPTS states that decision-makers should '*very strictly limit*' new traveller sites in the open countryside. However, this is not a prohibition against such uses, and I have no basis to assume there is an excess of such sites in the vicinity or indeed across the Borough.
16. I now turn to the specific impact of the development before me, and in doing so I have regard to the fact that 2 static caravans would, in all probability, be present. In making this assessment I note that the Framework places particular emphasis on the protection of valued landscapes, but to my mind it does not follow that minimal protection should be attributed to parts of the countryside that are not subject to any specific designation. Rather the need to recognise the intrinsic character and beauty of the countryside is one of the core planning principles given in the Framework. Although I understand why this location has no specific designation that in itself does not mean it has no intrinsic beauty as a rural area. Indeed, in my opinion it forms part of a pleasing patchwork of fields, hedgerows and lanes.
17. In this regard the Appellant contended that Policy DM4 in the DMP was inconsistent with the Framework. I accept it says the planning system should '*protect*' the intrinsic beauty and character of the countryside rather than '*recognising*' it as stated in paragraph 17 of the Framework. To my mind though it still reflects the concern that should be given to rural areas.
18. At present, the activity on the land is well screened from Rogues Lane by the dense tall hedge that is along the entirety of that boundary. Moreover, this hedge turns to run down the west side of the track and similarly screens the

development from that direction. However, despite this views are possible though the gateway, and those would be increased with the removal of some of the hedge to provide improved sight splays (see below). The caravans are also clearly visible from the public footpath that runs to the west of the site.

19. In my opinion, from where they could be seen the caravans are striking and notable elements in the countryside due to their angular form, their external finishes and their ancillary paraphernalia. Consequently, because of their location away from any existing buildings, they relate poorly to the rural landscape and this would be exacerbated if static caravans were introduced. Whilst I accept the partially concealed nature of the site reduces this effect, I nonetheless find the development causes harm to the character and appearance of the area.
20. Although I appreciate that gypsy and traveller provision will, to some extent, rely on rural areas to be satisfied, it is likely there could well be sites that are better related to existing built form that would have a lesser impact on the intrinsic character and beauty of the countryside when compared to the scheme before me.
21. Finally, whilst I have found that DMP Policy DM4 was not inconsistent with the Framework, my overall conclusions in relation to this issue would have been no different had I relied solely on Government guidance.
22. Accordingly I conclude the development detracts unacceptably from the character and appearance of the countryside, in conflict with Policy DM4 in the DMP, *Core Strategy* Policy 18 and the Framework.

Issue b) Sustainability of location

23. *Core Strategy* Policy 18 states that gypsy and traveller sites should be '*within a reasonable distance of local services and facilities*'. However, what constitutes a '*reasonable distance*' is not defined, and it also accepts that sites need not be '*directly adjacent to the settlement boundary*'.
24. The site is between Hinckley and the villages of Stoke Golding and Barwell. The nearest supermarket is about 1.25km away while bus stops are at either end of Rogues Lane, and other services are further afield. Rogues Lane itself is a winding road that is unlit and has no pavements, and in places the forward visibility is limited. Given these factors I consider it unlikely that residents at the appeal site would walk or cycle along the lane to the shops, public transport links and other facilities, especially if accompanied by small children or if they had mobility difficulties.
25. The footpath that runs down the west boundary of the site leads to the supermarket. Whilst it may be pleasant to use this for recreational purposes, the initial section crosses a ploughed field and this would be difficult to walk in wet weather, at night time, if carrying shopping or if not wearing suitable footwear. It was also contended that the track was a public highway and this led to Hinckley. However, its status was uncertain, and again it would be unlit and poorly surfaced. I have therefore attached little weight to this path and the track as an alternative means of accessing services from the site.
26. I accept that, even if close to services, the Appellant and his family could nonetheless choose to access them by car. Similarly, he could decide not to use services nearby but rather travel an appreciable distance to facilities

elsewhere. However, it is reasonable for the planning system to seek to ensure residents have the option of using sustainable means of transportation to get to shops, jobs, schools and similar. I nonetheless acknowledge though that any necessary car journeys would not be particularly long, and this reduces the weight given to this concern.

27. In relation to this issue it was the Appellant's view that Policy DM17 in the DMP and *Core Strategy* Policy 18 were not consistent with the Framework. However, I consider their requirements are sufficiently flexible to reflect the Framework.
28. Accordingly, I conclude the distances involved and the nature of the connections mean this development has a reliance on the private car, thereby conflicting, in this regard, with Policy DM17 in the DMP, Policy 18 in the *Core Strategy* and the Framework.

Issue c) Highway safety

29. It was agreed it was reasonable to assume each pitch could generate up to 6-8 vehicle movements a day, and I have no reason to consider otherwise. The Highways Authority also assumed there would be a business use from the site that created further movements, but that is not now before me and could be prevented by condition.
30. The reasons for issuing the notice contended there would be harm to highway safety on Rogues Lane only. At the Hearing the Council confirmed that road could accommodate the additional movements associated with this development. Its concern therefore rested on the increased likelihood of conflict between motorists and those walking or cycling to and from the site.
31. The unlit, winding nature of Rogues Lane, together with its lack of pavements and, in places, its limited forward visibility mean that pedestrians would be at a greater risk than if the road was straighter, better lit, or provided with dedicated areas for them to walk, and they would certainly have to proceed with more caution. However, the road was not heavily trafficked and it was wide enough for cars to pass pedestrians with ease. As stated above, I also consider that the number of additional people walking from these 2 pitches is likely to be very low. Taking these factors together any adverse effect on highway safety would not be severe or even significant.
32. With regard to cyclists, it is common for the country lanes around towns to be used by both recreational cyclists and by those who are commuting to or from outlying settlements. Indeed, a number passed when I was visiting the site. As such, any limited increase resulting from this scheme need not compromise highway safety.
33. Finally, turning to the visibility at the junction of the track with Rogues Lane, a survey showed that the 85th percentile speed for traffic passing this point was 36 mph (eastwards) and 34mph (westward). While this survey appeared to have its limitations, based on my own experience when I drove along the road those speeds are not unrealistic. From this junction visibility to the west was sufficient. Moreover, even in the summer when I visited a splay to the east of 45m was possible, and given the recorded speeds, this is also acceptable.

34. In coming to this view I have taken into account the submitted accident record but, considering the nature of the accidents, this does not lead me to a different conclusion.
35. I am aware as well that the Appellant submitted an application (which was withdrawn prior to determination) that proposed an access direct onto Rogues Lane. However, that is not before me now and I cannot be confident that the necessary sight splays could be adequately achieved. Therefore I am not in a position to support an access on that northern boundary of the site.
36. Although not raised in the reasons for issue, the Highways Authority also expressed concern about the effect of the development on the track. This is roughly surfaced and relatively straight, having an average width of about 4.1m with passing places. Because of its unevenness vehicles are unlikely to travel along this track at more than 15mph. It is also lightly trafficked as it serves only the 3 dwellings at Cold Comfort Farm (plus potentially a fourth dwelling for which planning permission has been granted), together with the farm and a building contractor business there.
37. Within this context I consider that inter-visibility would be good between drivers and any additional pedestrians or cyclists using the track as a result of the development. Moreover, the gravelled surface means pedestrians would almost certainly be aware of traffic approaching from behind. When they did meet there would be ample room for vehicles and pedestrians/cyclists to pass.
38. With regard to the impact of the vehicles from the site, I accept the track falls below modern adopted standards. However, given the limited number of movements at present and their slow speeds, I am not satisfied that the additional activity would cause harm to its safety. I therefore consider that resurfacing the track, recessing or widening the entrance gate and introducing improved kerb radii are not necessary and are not fairly or reasonably related in scale or kind to the development. Improved sight splays to reflect the speeds of 15mph should be provided though to either side of the access.
39. In relation to this issue there was some inconclusive discussion at the Hearing as to whether or not the track was an adopted unclassified road. However, its status in this regard has had no bearing on my reasoning as there is no basis to consider it will be upgraded.
40. Again, concerning this issue the Appellant argued that Policy DM17 in the DMP was not consistent with the Framework but given my findings that has no bearing on my decision.
41. Accordingly I conclude the scheme does not have a severe or significantly adverse effect on highway safety on either Rogues Lane or the track, and so does not conflict with DMP Policy DM17, *Core Strategy* Policy 18 or the Framework.

Other matters

42. Concern was also raised about drainage, access to water and electricity, and the effect on wildlife. The matter of drainage can be reasonably addressed by condition. I have no basis to consider access to water and electricity cannot be readily resolved, and I was told of no reason why this work could harm wildlife.

Issue d) Matters to outweigh harm

43. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* says any determination must be in accordance with the development plan unless material considerations indicate otherwise.
44. I have found harm is caused by the development to the character and appearance of the area, and to the aims of sustainability as a result of the reliance on the car, giving rise to a conflict with the development plan and the Framework on those points. However, this conflict has to be balanced against a number of factors that weigh in favour of the scheme.

The shortfall in gypsy and traveller provision

45. *The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2017* (the GTANA) says that there was a requirement for 42 pitches in the Borough from 2006 to 31 December 2016, and this requirement was incorporated in *Core Strategy Policy 18*. The Appellant confirmed that over that time planning permission had been granted for precisely that number of pitches. However, when considering this he nonetheless highlighted 4 factors to be taken into account.
46. Firstly, the Appellant contended that HBBC had failed to provide for the 10 pitches on what is known as the Good Friday site, and these should be treated as additional to the 42 pitches identified in the GTANA. The unauthorised occupation of the Good Friday site started in 2009 and, following an appeal, a temporary permission was granted for the use to continue. On its expiration that temporary permission was not renewed, and following enforcement proceedings the occupants have to vacate the land by January 2017. However, as this site was first occupied after the GTANA was prepared, as it can continue to be occupied until after the GTANA has expired, and as the pitches it contains are not amongst the 42 identified by the Appellant with planning permission, the need to provide for its displaced residents does not mean there is now an under provision of sites in the Borough.
47. Secondly, some of the sites for which planning permission has been granted have not yet been implemented. However, I was not told that any of those permissions had expired, and in particular the Council contended work was about to start on Dalebrook Farm. As such, this point does not offer a basis to discount any of the permitted sites.
48. Moreover, the GTANA is now some 10 years old, with its base data being no doubt older. To my mind it is therefore quite probably out-of-date and does not fairly reflect the needs in the area. However, the Appellant said there was in fact a far greater demand for pitches than the GTANA identified but that was supported solely by anecdotal evidence and not by any firm data. Whilst a new GTANA to clarify the situation is in the process of preparation that was not before me. As such, I am not in a position to say whether or not future on-going need in HBBC would be greater or less than what was previously identified in the existing GTANA.
49. Finally, the Appellant contended that the increased demand for pitches in the Borough, plus the displaced residents from the Good Friday site, would mean that the assumed compound growth of 3% per annum in household formation amongst the gypsy and traveller community would be insufficient, and a

greater number of sites would need to be provided than previously anticipated. While that may be so, I am aware that the GTANA has not expired, and so assessing proposals in the light of the 3% compound growth is not relevant.

50. However, putting that aside the Council had identified no pitches as yet for gypsies and travellers into the future. Therefore, even accepting that it had satisfied its current GTANA requirement, it cannot show a 5 year supply of deliverable sites. This to my mind weighs in favour of the Appellant's position.

Personal circumstances

51. I was told that no alternative pitches were available in the Borough, and if these 2 households had to leave this site they would be homeless. Therefore, dismissing these appeals would deprive them of their homes.
52. It was also said that 3 of the residents on site have medical conditions. One of the benefits of a settled base is that the occupants, whether healthy or not, can register with a local doctors' surgery and attend specific hospitals, and so establish a continuity of health care. However, people can also move from one surgery to another, and the evidence before me does not show that there is any fundamental need for the residents to remain in this specific location for treatment. It was said too they would like to undertake further education but again nothing was submitted to demonstrate that this was likely in the foreseeable future. Finally, while one of the residents preaches at a church in Leicester that in itself is not a matter to which I have given significant weight.
53. However, although no children are on the site now, Roseanne and Michael Cash are expecting their first child in October. The *Declaration of the Rights of the Child* says

"the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth".

Similarly, Article 24 of the *Convention on the Rights of the Child* states that parties shall take appropriate measures

"to ensure appropriate pre-natal and post-natal health care for mothers".

Therefore, although this child has not yet been born, in my opinion its best interests are something that should be a consideration to which significant weight is given in my assessment. If I dismissed this appeal the time for compliance would more or less coincide with when this child was expected, thereby resulting in a need to move when the mother and child could be requiring medical attention. This would be to the detriment of the child. Rather, I consider he or she would benefit from a settled base in its early life so as to experience consistent health care.

54. Consequently, the benefits to the unborn child and the homelessness of the residents are factors that weigh in favour of the Appellant's case.

Whether these other considerations outweigh the harm

55. The harm I have identified to the character and appearance of the area has been limited to some degree by the context of the site while the concern about the relationship to services is similarly reduced because of the distances involved.

56. However, the interests of the unborn child, the families' homelessness and the lack of identified gypsy and traveller sites going forward are each matters to which I attach significant weight and, when taken together, they outweigh the harms identified.
57. In this regard I have noted the Claybrooke Parva decision¹, but given the balancing of the issues is dependent very much on the merits of each case it does not lead me to different findings.

Issue e) Temporary permission

58. I have found the failings in the Council's approach to gypsy and traveller provision rests solely on a failure to identify site provision into the future, and I note the PPTS says that

'if a Local Planning Authority cannot demonstrate an up-to-date 5 year supply of deliverable sites this should be a significant material consideration ...when considering applications for the grant of temporary planning permission.'

The Council's emerging *Gypsy and Traveller Allocations Development Plan Document* (the emerging DPD) will no doubt address this concern, although I am unaware as to when that would be adopted. Whilst the Council said it would happen next year that seems unlikely as I was also told the search for sites had only just started, but if work is nonetheless underway it is reasonable to assume its adoption would be in the medium term and the failings identified would then be resolved. I therefore consider a temporary permission for 5 years would be appropriate to allow the completion and adoption of this emerging DPD and for the occupiers of the site then to seek and secure alternative pitches.

59. Such a permission would mean the child would have to leave the site when he or she was nearly 5 years old at the latest, but given their age I consider that would not harm schooling unacceptably and I have no knowledge of any health issues that would be adversely affected by such a move.
60. In coming to this view I appreciate the Appellant was not enthusiastic about a temporary permission, but that does not offer a basis to discount such an option if the planning merits of the case mean it is nonetheless appropriate. Moreover, the mere fact that I do not know when the emerging DPD would be adopted is not a reason to discount a temporary permission as there is inevitably uncertainty over such matters.

Conditions

61. Occupancy of the site should be restricted to those who fall within the definition of gypsies and travellers. I have no basis though to consider those living here should be limited specifically to the existing residents. This is because the aspects of their personal circumstances to which I have given weight, namely their possible homelessness and the benefits to the child, are likely to apply to many gypsy and traveller families. Furthermore, it should be for a temporary period of up to 5 years, with a requirement to re-instate the site afterwards.

¹ Appeal decision APP/F2415/A/14/2222051 (dated 28 October 2014) concerning Wells Close, Claybrooke Parva

62. Having regard to the character and appearance of the locality the extent of the area given over to the residential gypsy and traveller caravan site should be limited and defined, and the development should be restricted to 2 pitches with no more than 4 caravans. There should also be no commercial activity/storage and no parking of vehicles over 3.5 tonnes in weight, but details should be agreed of external lighting, surfacing, fencing and landscaping. It is appreciated that the temporary nature of the permission means that some elements of additional landscaping would be unreasonable as they would not have any appreciable effect by the time the permission had expired. However, planting could nonetheless be introduced either side of the access to offset harm caused by forming the sight splays.
63. With regard to highway safety, sight splays should be provided to the track that reflect the fact that vehicles travel at about 15mph or less. The site contains ample room for parking, but the nature of the track means there should be provision for vehicles to enter and leave in forward gear. A condition should also be imposed to prevent an access to Rogues Lane
64. Finally, having regard to the water environment drainage details should be agreed.

Conclusions

65. Accordingly, I conclude the development causes harm to the character and appearance of the area and has a reliance on the private car, in conflict with *Core Strategy* Policy 18, Policies DM4 and DM17 in the DMP, and the Framework. However, I also find the Council cannot demonstrate a 5 year supply of deliverable sites for gypsies and travellers, and dismissing the appeal would have an adverse effect on the residents and the unborn child by making them homeless and making settled medical care more difficult. These factors together comprise material considerations that outweigh the harm and justify a temporary planning permission. Therefore I conclude that the appeal should succeed and temporary planning permission will be granted.

Decision

66. The notice is corrected by the deletion of paragraph 3 and its replacement with
- ‘Without planning permission the unauthorised change of use of land from agriculture to a mixed use comprising a residential gypsy and traveller caravan site and the keeping of horses’.
67. Subject to this correction the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the change of use of land from agriculture to a mixed use comprising a residential gypsy and traveller caravan site and the keeping of horses at land north-west of Cold Comfort Farm, Rogues Lane, Hinckley, Leicestershire LE10 3DX referred to in the notice, subject to the following conditions:
- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of *Planning policy for traveller sites* (dated August 2015).

- 2) There shall be no more than 2 pitches on the site. Neither pitch shall, at any time, contain more than 2 caravans or more than one static caravan (with a caravan being as defined in the *Caravan Sites and Control of Development Act 1960* and the *Caravan Sites Act 1968*).
- 3) There shall be no commercial activities undertaken at the site, including the external storage of goods or materials not ancillary to the residential use or the keeping of horses, and no vehicles over 3.5 tonnes shall be stationed, parked or stored on the site.
- 4) The use hereby permitted shall be for a limited period being the period of 5 years from the date of this decision. At the end of this period the use hereby permitted shall cease.
- 5) Within 3 months of the date of this decision details shall be submitted to the Local Planning Authority for its written approval of a scheme for the restoration of the land at the end of the period stated in Condition 4 above together with a timetable for the undertaking of those works. At the end of that period, the land shall be restored in accordance with the approved scheme and the approved timetable.
- 6) Within 3 months of the date of this decision details shall be submitted to the Local Planning Authority of the part of the site to be used for the residential gypsy and traveller caravan site. This part shall not exceed 0.2ha. Caravans shall thereafter be sited in that part of the site only and no caravans shall be sited on any other part of the site.
- 7) Within 3 months of the date of this decision details shall be submitted to the Local Planning Authority of the external lighting, fencing, drainage, landscaping and hard surfacing, together with a timetable for the implementation of each of these elements, and those works shall then be undertaken in accordance with the approved details and timetables only.
- 8) Within 3 months of the date of this decision sight splays of 2.4m by 17m shall be provided to either side of the site access to the track and thereafter kept clear of any obstruction greater than 0.6m in height above the carriageway of the track.
- 9) There shall at all times be provision on site for vehicles to enter and leave the site in forward gear.
- 10) Vehicular access to the residential gypsy and traveller caravan site shall be from the track only.

J P Sargent

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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| Mr S Clarke | Planning Consultant |
| Mr J Hurlstone | Highways Consultant |
| Mr A Smith | Father-in-law of the Appellant |
| Mr A Statham | Planning Consultant |

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|--------------|-------------------------------------------------------|
| Mr C Allison | Planning and Enforcement Officer with HBBC |
| Mr S Hill | Assistant Engineer with Leicestershire County Council |

INTERESTED PERSONS:

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|-------------------|------------------------------------------------------------------------------|
| Councillor D Bill | County Councillor for Hinckley Ward |
| Councillor D Cope | Borough Councillor for Trinity Ward |
| Mr S Griffin | Local resident |
| Mr C McManus | Local resident |
| Mr L Wiggins | Planning Consultant representing Mr & Mrs Griffin, Mr McDermott & Mr McManus |

DOCUMENTS

- 1 Speed Survey submitted by Mr Hill
- 2 Plan of route through from Rogues Lane to Normandy Way submitted by Mr Hill
- 3 Accident record on Rogues Lane submitted by Mr Hill
- 4 Email submitted to the Planning Inspectorate by Mr Hill concerning the status of the track (dated 17 June 2016)
- 5 Email submitted to the Planning Inspectorate by Mr Hill concerning the status of the track (dated 18 July 2016)
- 6 Email submitted to the Planning Inspectorate by the Council informing of the adoption of the *Site Allocations and Development Management Policies DPD* (dated 21 July 2016)
- 7 Email submitted to the Planning Inspectorate by Mr Allison concerning the newly adopted policies (dated 25 July 2016)
- 8 Extract from *Guidelines for Providing Journeys on Foot* submitted by Mr Hurlstone
- 9 Letter submitted to the Planning Inspectorate by Mr Statham concerning the medical state of Martina, Alwyn & Roseanne Smith (dated 25 September 2015)
- 10 Letter submitted to the Planning Inspectorate by Mr Statham concerning the newly adopted policies (dated 26 July 2016)
- 11 Appeal decision APP/F2415/A/14/2222051 (dated 28 October 2014) concerning Wells Close, Claybrooke Parva, submitted by Mr Wiggins