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## Appeal Decision

Inquiry held between 22 and 24 March 2022

Site visits made on 21 and 24 March 2022

**by Mark Dakeyne BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 May 2022**

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**Appeal Ref: APP/N2739/W/21/3280032**

**Land north of Hillam Lane, Burton Salmon, Selby**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Francis Quilligan against the decision of Selby District Council.
  - The application Ref 2020/1126/COU, dated 16 October 2020, was refused by notice dated 1 June 2021.
  - The development proposed is change of use of land to use as a residential caravan site for 6 gypsy/traveller families, each with two caravans and an ancillary amenity building, together with the laying of hardstanding and construction of new access.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. A Statement of Common Ground between the appellant and the Council sets out the matters that are agreed and those that are disputed. The site lies in the Green Belt. The main parties agree that the proposal is inappropriate development in the Green Belt, as set out in paragraph 16 of 'Planning policy for traveller sites' (PPTS).
3. It is also accepted that the intended site residents meets the definition of 'gypsies and travellers' within the Glossary to PPTS. Based on the information before me I see no reason to take a different view. Therefore, PPTS, which sets out the Government's policy for traveller sites applies, as do development plan policies relevant to gypsies and travellers.
4. Taking into account the above, the main issues are:
  - i. the effect on Green Belt openness and purposes;
  - ii. the effect on the character and appearance of the area;
  - iii. the effect on agricultural land;
  - iv. the effect on biodiversity;
  - v. whether a safe and suitable access can be achieved, having particular regard to visibility;
  - vi. whether the use would result in a sustainable pattern of development, with particular reference to accessibility to services; and,
  - ix. whether the harm to the Green Belt and any other harm is clearly outweighed by other considerations, so as to constitute very special circumstances.

## Reasons

### *Green Belt*

5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
6. The site lies towards the eastern edge of the West Yorkshire Green Belt between the villages of Burton Salmon and Hillam. This area of Green Belt either side of Hillam Lane is predominantly fairly flat open land used for a mixture of arable and livestock farming with some horse grazing. In places there are copses and small groups of buildings or isolated structures. The field parcels range in size and some are edged by hedgerows and fencing. High voltage electricity pylons and the chimney and upper parts of Drax Power Station form part of the backdrop. But generally there is a lack of vegetation and built development, ensuring that the area of Green Belt can be characterised as an open low lying agricultural landscape.
7. The site comprises a 0.7 ha rectangular plot of former agricultural land on the north side of Hillam Lane, some 400m to the south-west of the edge of Hillam. Three portable toilets, a short section of panel fencing, some post and rail fences, and areas of hardstanding remain on the site, following a period of unauthorised occupation by the intended site residents between October 2020 and February 2021. However, prior to this occupation, the site did not contain any structures, being completely open grassland without any boundary features. Adjoining parcels are similarly open. This previous untouched state forms the baseline for the assessment of Green Belt impacts.
8. The proposal to form 6 plots, each containing a mobile home and touring caravan, an area of hardstanding, and an amenity building, would lead to a significant quantum of development on the site. The formation of the access and central driveway, the proposed screen and post and rail fencing, and the parking of vehicles and the domestic paraphernalia associated with the use would add further to the developed nature of the site. Overall, there would be a significant loss of openness in spatial terms.
9. Openness has a visual dimension as well as a spatial aspect. The site does not benefit from any existing screening or softening features, natural or manmade. The entire development would be clearly seen from Hillam Lane which sits slightly above the level of the site and adjoining land. The fencing and the upper parts of the mobile homes, touring caravans and buildings would also be visible from some viewpoints further afield, notably the footpath that runs to the north of the site, from a section of the A162 to the west as it reaches rising ground, and from the western end of Betteras Hill Road.
10. Over time there would be scope to soften the effects of the development by providing planting around the site boundaries, within the site and on the frontage, as shown on the submitted site layout plan. However, there would be no getting away from the incursion of a relatively dense but isolated parcel of freestanding development into an open area of Green Belt.
11. The development would conflict with the Green Belt purpose of safeguarding the countryside from encroachment because it would lead to structures,

hardstandings and activity where there was none before. The proposal would not affect any of the other purposes for including land in the Green Belt.

12. In conclusion, there would be a significant loss of Green Belt openness and a clear conflict with the Green Belt purpose of safeguarding the countryside from encroachment. Despite the relatively small size of the site, the Green Belt harm would be considerable.

#### *Character and appearance*

13. The site lies within the Haddlesey Farmland Landscape Character Area as set out in the Selby Landscape Character Assessment (LCA). The key characteristics of flat arable farmland, a lack of hedgerows, isolated properties, some areas of woodland, and the influence of energy infrastructure, set out in the LCA, reflect the landscape of the appeal site and its surroundings that I describe above.
14. The LCA goes on to indicate that the area may be sensitive to relatively small changes due to its flat and open nature and new features could be highly visible. As reasoned in relation to the visual dimension of Green Belt openness, although the development would be reasonably compact, its siting in the flat open landscape would result in a visually intrusive, incongruous group of structures which would harm the key physical character sensitivity.
15. The intention to enclose the site with hedgerows and planting, whilst softening the development over time, would not be a characteristic of the immediate locality where hedgerows are not a common feature. Having regard to the character of the immediate surroundings, it would not be possible to satisfactorily assimilate the development into the landscape.
16. It is accepted that many traveller sites are likely to be located in the countryside and that some harm to the character and appearance of the area is likely to occur. It is not necessary for traveller sites to be hidden from view. However, in this case the level of harm arising from the landscape and visual effects is significant and not within acceptable bounds.
17. For the above reasons, the proposal would unacceptably harm the character and appearance of the area. There would be conflict with Policy ENV1 of the Selby District Local Plan (SDLP) and Policy SP18 of the Selby District Core Strategy (SDCS) as the development would not safeguard the landscape character of the area.

#### *Agricultural land*

18. The site comprises Grade 2 (very good) agricultural land. The development would lead to the loss of this best and most versatile land. However, the amount of land lost would be small. The site lies in an area where there are significant swathes of other high grade agricultural land nearby. There is no evidence that the development would materially impact on a farming business.
19. Accordingly, there would be some harm caused. As a result there would be conflict with Policy SP18 of the SDCS as the development would not be on an area of least agricultural quality land. However, having regard to the above factors and the terms of paragraph 174 of the National Planning Policy Framework (the Framework), the harm arising would be limited.

### *Biodiversity*

20. The site was in arable use prior to the carrying out of the unauthorised works in October 2020. It appears that at various times the land was ploughed, used for crops, or comprised rough grassland. There were no hedgerows or trees within the site or on its boundaries or any watercourse features. The site does not lie within an area of biodiversity value. There are no statutory designated sites nearby. Some locally important nature conservation sites lie within a 2km radius, but there is no evidence that any such sites would be affected by the development.
21. No ecological assessment was submitted with the application to show whether the site had any biodiversity value prior to the carrying out of the works. However, having seen images of the site pre-October 2020 and in the absence of an effect on designations, it would seem to me that the baseline ecological value would have been low. This is generally confirmed by the ecological impact assessment submitted by the appellants shortly before the inquiry.
22. The assessment does, however, recognise that there would be some negative effects through the loss of grassland habitat, including for nesting birds and amphibians, a loss of foraging habitat for bats, and a risk to mammals during construction. There is also reference in representations to birds of prey and owls being present in the area and the potential for their hunting grounds to be disrupted.
23. That said, given the size of the site and its low baseline value, the negative effects are likely to be relatively limited. Moreover, there is scope for mitigation to be included in any development scheme, including the planting of native hedgerows and trees, the provision of bird and bat boxes, and precautions during construction. In addition, an ecological management plan could be secured by condition, as could biodiversity net gain.
24. Overall, I conclude that the effect on biodiversity would be likely to be acceptable, subject to the imposition of conditions. There would be compliance with Policies ENV1 and ENV14 of the SDLP and Policy SP18 of the SDCS in this regard, as the development is capable of protecting and enhancing features of biological interest, providing appropriate management, mitigating impacts, and producing a net gain for biodiversity. Policy ENV9 of the SDLP is not relevant as it relates to designated sites.

### *Highway safety*

25. The development would be capable of being served by a suitably designed entrance, with appropriate radii kerbs, access width, and hard surfacing. In terms of visibility, recorded traffic speeds indicate that visibility of some 107m to the west and 122m to the east (the 'y' distance) should be sought.
26. With the relevant 'x' distance of 2.4m, acceptable visibility can be achieved to the east, using the site frontage and highway land beyond. To the west there appears to be a very small sliver of third party land over which the visibility splay may encroach. The third party land does not currently cause any issues with visibility as the land is open, but there is the possibility that some form of obstruction, such as a hedge or fence, could be in place on the adjacent front boundary in the future.

27. That said the practical implications for safety, to my mind, are not significant. Having regard to the plans provided by the parties and from observing the position on site, the extent of any encroachment of the visibility splay onto third party land is very small. Moreover, it is possible to edge forward and see some way to the west without needing to look over the said land because of the width of the site frontage and the highway verge beyond. Such a manoeuvre is safe given the width of the carriageway and the ability to see oncoming traffic in both directions. Similarly, vehicles on Hillam Lane would have an early sight of any vehicles emerging from the access. With this slight edging forward, visibility is well in excess of the 107m referred to above.
28. For the above reasons, a safe and suitable access can be achieved, having particular regard to visibility. As a result there would be compliance with Policies ENV1 and T2 of the SDLP. Policies ENV2 and T1 of the SDLP are not relevant as they relate to pollution and the overall highway network.

#### *Pattern of development*

29. Many traveller sites are located in rural areas beyond settlements. The appeal site is in open countryside but close to the edge of Hillam. Hillam and the adjoining settlement of Monk Fryston have a range of facilities commensurate with a larger village, including a primary school, doctors' surgery, community hall, small convenience store and pubs. The majority of these facilities are about 1 mile from the site. The combined settlement is a Designated Service Village in the SDCS. Burton Salmon, further away to the south-west, also has a primary school, village hall and pub.
30. There is no pavement between the site and the edge of Hillam and the road is unlit. Parts of the verges are uneven and narrow. They would be particularly difficult to use during inclement weather. Vehicle speeds, although generally below the national speed limit, would make walking to Hillam hazardous, particularly outside daylight hours and for younger residents. Cycling to the village would be feasible but would also be affected to an extent by the above constraints. Travelling to Burton Salmon on foot would not be feasible and cycling would be unlikely.
31. Therefore, there would be limited scope for walking and cycling to the nearest settlements. Most journeys, including shopping trips and visits to the school, doctors, or hospital, are likely to be undertaken by private vehicle. However, trips to access facilities would not be long and would be commonplace for a rural area. Based on my experience and taking into account the appeal decisions provided in the evidence, the location, in terms of accessibility, is comparable or better than many other traveller sites.
32. In conclusion, the proposal would result in a sustainable pattern of development, with particular reference to accessibility to services. Policy SP11 of the SDCS (Travellers) does not include any criteria relating to sustainable access to services, albeit that the explanation does make reference to the issue. However, the policy indicates that applications for development will be determined in accordance with national policy. In relation to this particular issue, there is no conflict with Government policy contained within PPTS, and in particular the requirement to very strictly limit new traveller sites in open countryside, as the site would not be 'away from existing settlements'.

### *Other considerations*

#### *The need for and provision of sites*

33. The Selby Gypsy and Traveller Accommodation Assessment of May 2018 (GTAA), produced to inform the emerging Selby District Council Local Plan (eLP), identified a need for 8 additional pitches for gypsies and travellers who met the planning definition in PPTS, up to 2033, with 5 of those pitches to be provided by 2028; up to 10 additional pitches for those who may meet the definition (the 'unknowns'); and 26 additional pitches for those that do not meet the planning definition. The GTAA recommended that the need for those that met the definition together with 10% of the 'unknowns' (8 + 1) should be met by new pitch allocations, and the need for the remaining 'unknowns', should they prove to have traveller status, be met by a criteria-based policy. The GTAA also found that those that did not meet the definition would be addressed by overall housing market assessments and through other development plan policies.
34. However, things have moved on since the GTAA was published. The Council has acknowledged, through its decision making on other applications at The Smallholdings, Kellington, and South Milford Caravan Park, that the need for the District should be 21 pitches up to 2033. This reflects the finding that the 10% need generated from unknowns was too low and should be increased to 25%. This higher figure also reflects reasoning from appeal decisions and local plan examinations elsewhere.
35. It may also be the case that the updated figures, including the 25% applied to unknowns, do not fully reflect the current need. The following were among the factors referred to at the inquiry. Firstly, the GTAA was produced on the basis that only known travellers were interviewed, so, for example, all those living in 'bricks and mortar' would not have been captured. Secondly, 25% of unknowns may still be too conservative a figure, taking into account the type of evidence that has come out of specific appeals and applications both in Selby District and further afield. Thirdly, the interviewers involved in the GTAA were the sole arbiters of who or who did not meet the definition. Fourth, the loss of the 6 pitches at the Greenacres site to a residential mobile home site did not appear to have been taken into account in the GTAA. Finally, some households were discounted because they stated that they would prefer 'bricks and mortar' or to move to another pitch, within or beyond the District. Stating a preference to move into housing or a different site does not mean that they will be able to do so.
36. Additionally, the GTAA and its supporting information was produced at a point in time. More recent events, such as the creation of the unauthorised pitches at the appeal site and Little Bengie Quarry, do not invalidate some of the baseline findings of the GTAA, but need to be taken into account in this appeal. Moreover, at the time of the inquiry there were still smaller unauthorised sites at Drax, Byram and Hillam (Ten Acres), comprising some 7 pitches. Those who occupied the appeal site meet the PPTS definition. The evidence would suggest that those households who are at Little Bengie Quarry are also likely to meet the definition. Some of the occupants of the smaller sites are likely to meet the definition. It may be that these needs could be met beyond Selby District. For example, the appellant and his extended family have resorted to other areas in the region and elsewhere in the country as well as Selby. The



travelling patterns of those at Little Bengie Quarry are unclear. However, on the assumption that all existing and prospective occupiers meet the PPTS definition and if the need from all the households on these sites were to be met in Selby District, there would be a need for a further 23 pitches.

37. On top of the above is the need to factor in household growth from the updated number of existing pitches in the District.
38. Taking all of the above into account the need for the District is likely to be in excess of the 21 pitches referred to in paragraph 34 above. A planning appeal is not the place to come up with a specific figure. That will be for the eLP. But the uplift is likely to be not insignificant.
39. In terms of provision since the base date of the GTAA, permission has been granted for 8 pitches at The Smallholdings. A temporary permission has also been granted for 10 pitches at South Milford Caravan Park. Discussions about creating additional pitches at the County Council owned sites at Burn and Carlton cannot count towards meeting the need as there are no firm proposals.
40. The South Milford permission is due to expire in June 2025 but the Council proposes to allocate the site in the eLP. The eLP is at an early stage and there is no certainty that the site will become a commitment. However, if South Milford is counted towards provision, the unmet need, using the Council's latest figure, would be a minimum of 3 pitches. But, taking into account the factors outlined in paragraph 35, the needs generated by those wishing to occupy the appeal site, the households on the unauthorised sites, together with household growth, the unmet need is likely to be considerably more. On the basis that the appellant's extended family and those on unauthorised pitches reflect a current need within Selby District, there would not be a 5 year supply of sites.

#### *Alternative sites*

41. There are 6 unoccupied pitches within the District, 2 at the public site at Hanger Lane, Carlton and 4 at the private site at The Smallholdings. Those at the private site are likely to be occupied by family members in due course and are, therefore, unlikely to be available to the appellant and his extended family. The 2 pitches at the public site would be insufficient to accommodate all of the family group. Moreover, there is a waiting list for the site. There do not appear to be any alternative sites within the District which would meet the families' needs, particularly the group as a whole.
42. The families have travelled elsewhere within West Yorkshire and further afield. An application was made for pitches in Buckinghamshire where 2 of the households resided for a while, but the application remains undetermined and the site is not now in the families' ownership. Reference was made to available pitches at the Stokesley public site, south of Middlesbrough, and attempts to get onto waiting lists for public sites further afield. However, there is no firm evidence that other pitches beyond the District are currently suitable and available for the families.

#### *Failure of policy*

43. Back in 2013, Policy SP11 of the SDCS anticipated that the Council would establish a 5-year supply of deliverable traveller sites and identify broad locations to accommodate additional pitches. However, the policy did not set out any specific quantum of pitches required. Moreover, no allocations have

been made in subsequent development plan documents. Neither Policy SP11 nor any other policy sets out locally specific criteria against which applications for traveller pitches should be judged, albeit that there is reference to determining applications in accordance with Government policy.

44. Policy SP11 also refers to rural exception sites for travellers being considered against Policy SP10. The policy refers to sites being within or adjoining settlement limits, which might be achievable in some cases. However, when considering PPTS as a whole and, in particular, paragraph 15, Policy SP10 is more restrictive than national policy.
45. Moreover, there are no existing development plan policies in relation to those travellers who do not meet the PPTS definition, notwithstanding the terms of paragraph 62 of the Framework.
46. Taking into account the above, the policies relevant to travellers are clearly out-of-date and inconsistent with national policy. This represents a failure of policy.
47. It is also argued that the unmet need for sites, the lack of a 5 year supply and the absence of alternative sites also represent a failure of policy. However, they are a consequence of the policy vacuum described above. In terms of factors in favour of the appeal, unmet need, and the lack of a 5 year supply and alternative sites, should not be double counted.

#### *Sustainability in the round*

48. A settled base would achieve the sustainability benefits set out in paragraph 13 of PPTS, in particular access to health services and schools, and reducing the need for long-term travelling and environmental damage caused by unauthorised encampments. The site would provide a suitable living environment, is not at risk from flooding, and would not result in undue pressure on local infrastructure and services. There is nothing to suggest that a peaceful and integrated co-existence between those who would be on the site and the local community could not be achieved.

#### *Personal circumstances*

49. The extended family of the appellant have connections to the area. The families are in need of a settled base. The families are having to stop on the side of the road, double up on pitches, or stay on illegal encampments or unauthorised sites.
50. The written evidence refers to 16 school or pre-school aged children amongst the families who intend to occupy the site, and a further child expected. The children have had very little, if any, formal education. Some contact was made with local schools when the families occupied the site, but this did not result in any of the children attending school. The intention would be for the primary school children to attend local schools should the families be able to return to the site. Being able to occupy the site would allow the children to commence and then have some sustained education.
51. Some of the adults who would occupy the site have longstanding health conditions which require ongoing treatment. One of the children is wheelchair bound and another has a rare heart condition. The former benefits from the support provided by the extended family. The latter is treated at a specialist



hospital unit in Birmingham. Some potential occupants are registered at the surgery in Monk Fryston. Occupation of the site would make access to regular health care much easier, albeit that Birmingham is over 100 miles away.

52. The benefits of a settled base are well-documented in terms of education and access to health care. There would also be advantages for the general well-being of the families in being settled, and having continual access to basic amenities and a secure living environment. In particular a settled base would be in the best interests of the children and their education, health, safety, and welfare.

#### *Green Belt location*

53. Green Belt affects the western part of the District and smaller areas on the northern margins towards York. However, a significant proportion of the largely rural District is beyond the Green Belt. It is accepted that some of the non-Green Belt area is at risk of flooding. However, there are still opportunities to find sites within the District which are not affected by Green Belt or flood risk. Moreover, beyond the District, to the east, north, and south, are significant areas of non-Green Belt land. Whilst some of these areas beyond the Green Belt are further away from the A1, they are close to other main transport corridors. Therefore, it is not accepted that new traveller sites are likely to be in the Green Belt. Therefore, this is not a factor to which any positive weight should be applied.
54. I acknowledge that the proposed allocation at South Milford is within the Green Belt. However, having seen the site and its relationship to existing development and transport corridors, I can understand why it has been put forward.

### **Planning balance and conclusions**

55. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
56. The proposal would represent inappropriate development in the Green Belt. There would also be considerable harm caused to Green Belt openness and the Green Belt purpose of safeguarding the countryside from encroachment because of the exposed nature of the site. In accordance with the Framework, substantial weight should be given to the harm to the Green Belt.
57. I have also found harm in relation to the character and appearance of the area and through the loss of agricultural land to which I attach significant and limited weights respectively. The effects on biodiversity and highway safety are neutral considerations in the planning balance.
58. In terms of factors in favour, significant weight should be afforded to each of the following - the unmet need for traveller sites in the District, the lack of alternative sites, and the failure of policy. The Council has taken some steps to meet the needs by recently granting planning permissions and making some progress with the eLP. But it has taken a long time to make such progress. In relation to failure of policy, the Council has not complied with its duties under the Housing Act 1985 (as amended). Questions about whether equality of opportunity have been advanced, as required by the Equality Act 2010, also arise as a result of failure of policy.

59. Meeting the sustainability considerations set out in PPTS is also a factor in favour to which moderate weight should be attached. Putting to one side the particular circumstances of the existing and proposed traveller occupants of the site, there are positive implications for the human rights of travellers and best interests of traveller children in general from increasing the supply of traveller pitches.
60. The personal circumstances of the families and in particular their need for a settled base, is a consideration in favour. There are some connections to the local area. However, there are no strong ties to Hillam itself. Meeting the health and education needs of the prospective occupants is not dependent on this particular location. Education would not be disrupted. Although the families have a preference to live together, the priority is to find a settled base. Nevertheless, the personal circumstances should still be afforded significant weight in the planning balance due to the health and care needs of some of the individual adults and children and the education needs of the significant number of children. Moreover, overall the best interests of the children, which is a primary consideration and which attracts substantial weight, would be met by the provision of a settled base. In addition, a settled base would meet the Article 8 Human Rights Act requirements of the families' right to a home and a private and family life and allow the group to live together as part of their traditional way of life.
61. Overall, my conclusions are that the Green Belt harm by reason of inappropriate development, loss of openness and effect on a Green Belt purpose, together with the harm to character and appearance and agricultural land, are not clearly outweighed by other considerations - the unmet need for traveller sites in the District, the lack of alternative sites, the failure of policy in providing sites and a 5 year supply, the sustainability benefits, and the personal circumstances of the site occupants. These considerations, taken together with the equality, human rights and best interests of the children benefits which flow from additional provision, are not sufficient to constitute the very special circumstances necessary to justify permission. My conclusions have taken into account that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. The group have invested in the site and may have limited means to acquire another site. But that is not sufficient justification for an unsuitable Green Belt site.
62. The proposal would conflict with Policy SP3 of the SDCS (Green Belt) as very special circumstances have not been demonstrated to justify inappropriate development. I have also found conflict with Policy ENV1 of the SDLP and Policy SP18 of the SDCS. As reference is made to applications being determined in accordance with national policy, there would also be conflict with Policy SP11 of the SDCS. The proposal would also be contrary to Policy SP10 of the SDCS as the site does not adjoin the settlement limits and the development would not be sympathetic to the landscape setting of Hillam.
63. The above policies relate to travellers, the Green Belt, and the character of the area. They are the most important policies for determining the application. The proposal would conflict with the development plan overall. As Policy SP11 is out-of-date and in several respects is not consistent with national policy, it should be afforded only limited weight. Similarly, Policy SP10, insofar as it

applies to travellers, is not consistent with national policy and should be afforded limited weight. That said, the policies of the Framework relating to Green Belt provide a clear reason for refusing the development. Material considerations do not indicate that the proposal should be determined other than in accordance with the development plan.

64. In reaching the above conclusions, I have considered whether conditions could make the development acceptable. However, although biodiversity and highway impacts appear to be capable of being overcome, conditions could not mitigate the harm to make the development acceptable overall.
65. I have also considered whether a temporary permission would be appropriate as an alternative to dismissing the appeal on the basis that planning circumstances may change at the end of such a period. A temporary permission would time-limit the Green Belt harm and that caused to the character and appearance of the area and agricultural land. Allowing the families to occupy the site for a period would be in the best interests of the children, prevent hardship and ensure that their Human Rights would not be interfered with.
66. The eLP is at an early stage and, thus far, has only proposed to allocate the South Milford Site. However, further stages and the examination of the eLP may result in a change in approach, such as the introduction of further site allocations, taking into account updated evidence or representations. Therefore, planning circumstances might change in the next few years.
67. However, I am mindful of paragraph 27 of the PPTS in relation to temporary planning permissions in the Green Belt. A period of occupation of the site would still lead to considerable harm to the Green Belt and other significant harm which would not be outweighed by other material considerations.
68. Dismissal of the appeal would result in the families continuing a roadside existence. I have carefully considered whether such a result would be proportionate in the circumstances having regard to Human Rights provisions, including the right to a home and family life and the positive obligation to facilitate a gypsy way of life. I have also had particular regard to the best interests of the children as a primary consideration. However, the environmental harm which would continue to be caused by the development would be considerable. Taking into account all material considerations I am satisfied that these legitimate objectives can only be adequately safeguarded by dismissal of the appeal.
69. I have also had due regard to the public sector equality duty at Section 149 of the Equality Act 2010. However, the Green Belt and other objections are strong countervailing arguments.
70. I have carefully considered all matters raised. However, based on the evidence before me, I conclude that the appeal should be dismissed.

*Mark Dakeyne*

INSPECTOR

ANNEX A – APPEARANCES

ANNEX B – LIST OF INQUIRY PLANS AND DOCUMENTS

## **ANNEX A - APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Freddie Humphreys of Counsel	Instructed by Alison Hartley, Solicitor to the Council
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He called

Clifford Thurlow BA (Hons) Dip TP MRTPI	Planning Consultant
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### For the roundtable sessions

Julia Casterton BSc (Hons) MA	Principal Ecologist, North Yorkshire County Council
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Victoria Day BSc (Hons)	Highways Officer, North Yorkshire County Council
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### FOR THE APPELLANT:

Alan Masters of Counsel	Instructed by Phillip Brown
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He called

Francis Quilligan	Appellant
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John Quilligan	Prospective site occupant
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Mary O'Brien	Prospective site occupant
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Patrick Quilligan	Prospective site occupant
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Caroline McGinley	Prospective site occupant
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Angela O'Driscoll	Prospective site occupant
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Phillip Brown BA (Hons) MRTPI	Phillip Brown Associates Ltd
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### For the roundtable sessions

George Baillas	The Transportation Consultancy
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### INTERESTED PERSONS:

Councillor John Mackman	District Councillor
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Stuart Vendy	Veritas Planning (for Hillam Parish Council)
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Mrs Austwick	Local resident
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## **ANNEX B - LIST OF INQUIRY PLANS AND DOCUMENTS**

The Council's website sets out the Core Documents and other documents **submitted before the inquiry**:

<https://public.selby.gov.uk/online-applications/appealDetails.do?activeTab=externalDocuments&keyVal=QYI45FNX0C000>

In addition, the following documents were **submitted at the inquiry**. These are also available on the above web pages:

- ID1 Council's opening statement
- ID2 Proposed site access arrangements Drawing No: 210560-01, submitted by the appellant
- ID3 Plans showing the extent of highway, submitted by the Council
- ID4 Map showing Green Belt in Selby District, submitted by the Council
- ID5 Map showing Flood Risk Zones in Selby District, submitted by the Council
- ID6 Witness statement of Keith Coughtrie to County Court, submitted by the appellant
- ID7 Table setting out position on need, submitted by the Council
- ID8 Maps showing location of South Milford site, submitted by the Council
- ID9 Email from planning agent regarding Smallholdings site, submitted by the appellant
- ID10 Statement of case for Little Bengie Quarry site, submitted by the appellant
- ID11 Family tree of prospective site occupants, submitted by the appellant
- ID12 Suggested draft conditions, submitted by the Council
- ID13 Councils' closing statement
- ID14 Appellant's closing statement