

27 February 2012

Mr Philip Brown
Philip Brown Associates
74 Park Road
Rugby
Warwickshire
CV21 2QX

Our Ref: APP/W3710/A/11/2157183

Your Ref: 11/110

Dear Mr Brown,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY MR JASON FURY
AT TWO TREES FARM, COVENTRY ROAD, ALDERMANS GREEN, COVENTRY,
WARWICKSHIRE, CV2 1NT
APPLICATION: REF 030839**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Louise Crosby MA MRTPI, who held a hearing on 2 November 2011 into your client's appeal against the decision of Nuneaton and Bedworth Borough Council (the Council) to refuse planning permission for change of use of land to residential caravan site for 6 gypsy families, with a total of 10 caravans, including 6 static mobile homes and laying of hardstanding at Two Trees Farm, Coventry Road, Aldermans Green, Coventry, Warwickshire, CV2 1NT in accordance with application reference 030839, dated 30 March 2011.
2. On 8 September 2011, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990. The reason the appeal was recovered is because it involves significant development in the Green Belt.

Inspector's Recommendation and Summary of the Decision

3. The Inspector recommended that the appeal be allowed and planning permission be granted subject to conditions. For the reasons given below, the Secretary of State disagrees with the Inspector's recommendations. He has decided to dismiss the appeal and refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers are to that report.

Policy Considerations

4. In deciding the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
5. The development plan includes the Regional Strategy for the West Midlands 2008 (RS), the saved policies of the Warwickshire Structure Plan 1996-2011 and the saved policies of the Nuneaton and Bedworth Local Plan 2006 (LP). The Secretary of State considers that the development plan policies most relevant to this appeal are those identified by the Inspector at IR11 and IR13.
6. The Secretary of State has had regard to the Inspector's comments at IR12, and he too has attributed limited weight to the proposed revocation in determining this appeal.
7. Other material considerations which the Secretary of State has taken into account include Planning Policy Statement (PPS) 1: *Delivering Sustainable Development*; PPG2: *Green Belts*; PPS3: *Housing*; PPS7: *Sustainable Development in Rural Areas*; Planning Policy Guidance Note (PPG) 13 *Transport*; and Circular 11/95: *Use of Conditions in Planning Permission*. The Secretary of State has also taken account of the *Southern Staffordshire and Northern Warwickshire Gypsy and Traveller Accommodation Assessment* (GTAA) final report February 2008.
8. The Secretary of State has also taken account of Circular 1/2006: *Planning for Gypsy and Traveller Caravan Sites* as a material consideration in his determination of this case. However, he has also taken account of his announcement on 29 August 2010 of his intention to revoke it as he considers it to be flawed and he has given less weight to the Circular.
9. The Government has published a consultation draft Planning Policy Statement on Planning for Traveller Sites (April 2011) and a consultation draft National Planning Policy Framework (July 2011). Like the Inspector (IR9), the Secretary of State has had regard to both documents in his determination of this case, but as they are for consultation and are subject to change, he gives them little weight.

Main Issues

10. The Secretary of State sees no reason to disagree with the view of the parties that the proposed occupants of the site are gypsies as defined in paragraph 15 of Circular 1/06 (IR22). Like the Inspector, he considers that the proposal would be inappropriate development in the Green Belt (IR77). He also agrees with her that the main issues in this case are those she lists at IR77.

Green Belt

Openness of the Green Belt

11. The Secretary of State agrees with the Inspector's analysis at IR78-81. In common with her, he concludes that the proposal would cause a significant degree of harm to the openness of the Green Belt (IR81).

The purposes of including land within the Green Belt

12. For the reasons set out by the Inspector (IR82 – 84), the Secretary of State shares her view that the scheme would encroach into the countryside (IR83) and that this conflict with one of the purposes of Green Belt designation would be of moderate weight (IR84).
13. Like the Inspector, the Secretary of State concludes that the significant harm to the openness of the Green Belt and the moderate harm caused by conflict with one of the purposes of including land in the Green Belt add to the substantial harm by reason of inappropriateness and that the scheme is in conflict with LP policy Env1 (IR85).

Visual impact – character and appearance

14. Having taken account of the Inspector's comments at IR86 – 89, the Secretary of State agrees with her conclusion that the proposal would not cause any harm to the character of this area and, subject to the imposition of a landscaping condition, the development would have some limited effect on its appearance, including the visual amenities in this part of the Green Belt (IR89). Like her, he considers that the scheme would conflict with LP policy H13(c) and (g) but only to a limited degree and this could be mitigated to a significant extent by additional landscaping (IR89).

Other Material Considerations

Need for gypsy and traveller sites

15. The Secretary of State has given very careful consideration to the Inspector's analysis at IR90 – 92. For the reasons set out by the Inspector at IR90 - 91, he agrees with her that there is an unmet need for sites in Nuneaton and Bedworth (IR91) and, like her, he attributes significant weight to that need (IR92).
16. With reference to the Inspector's comments about PPS3 at IR92, the Secretary of State observes that current policy in PPS3 does not require local planning authorities to demonstrate a 5 year supply of land specifically for gypsy and traveller sites. The Secretary of State has taken account of the appellant's representations on general need (IR31 – 34). He has also taken account of the Council's evidence about the steps that have been taken to identify and meet need (IR58 – 60), including the planning consents granted by the Council since 2007. Whilst he has had regard to the Council's view that there is a vacuum in terms of identifying suitable sites (IR60), the Secretary of State observes that the Council has nevertheless granted 20 permanent permissions since 2007. Set against the need identified in the GTAA for 27 permanent pitches between 2007 and 2016 and the targets suggested in the RS Phase Three Revision Document 2010 for 29 pitches between 2007 and 2017, he does not share the Inspector's view (at IR92 and at IR118) that a failure of the development plan to meet the need is a matter which weighs significantly in favour of the appeal. In his view, the evidence shows that, by late 2011, the Council had already made very tangible progress in meeting identified need and, for this reason, the Secretary of State attributes minimal weight to failure of the development plan to meet that need.

The accommodation needs of the appellant's extended family and their alternative accommodation options

17. The Secretary of State recognises that some special consideration should be given to the needs and different lifestyle of gypsies in reaching his decision, including the wish of the extended family to live together. For the reasons given by the Inspector at IR93 – 99, the Secretary of State sees no reason to disagree with her conclusion that, apart from Rose Fury, who has a permanent pitch elsewhere, the proposed site occupants have a personal need for a pitch and that this attracts significant weight in favour of the appeal for five pitches (IR99). Having had regard to the Inspector's analysis at IR100 – 102, the Secretary of State agrees that the lack of suitable, available, alternative sites which could accommodate the entire family group should be given a significant amount of weight in favour of the appeal for five pitches (IR104). Having also taken account of the proposed occupants' personal circumstances, including their health and education needs, he agrees with the Inspector (IR118) that moderate weight should be attached to the family support and facilitating the gypsy way of life for all the proposed residents, including the need for the extended family to live together. With regard to the human rights considerations referred to by the Inspector at IR103, the Secretary of State has gone on to consider these matters below.

Health and education needs

18. For the reasons given by the Inspector at IR105 – 110 and IR121, the Secretary of State shares her view that the health needs of Joyce Fury carry significant weight in favour of the appeal and those of the other proposed occupants carry moderate weight (IR110).
19. Like the Inspector, and for the reasons she gives at IR111, the Secretary of State attributes moderate weight to continuity of education in respect of 2 pitches (IR111 and 118).

Other planning matters raised by third parties

20. The Secretary of State agrees with the Inspector's analysis at IR113 - 115 and concludes that concerns raised about sustainability and highway safety do not weigh against the proposal.

Whether the harm is clearly outweighed by other considerations

21. The Secretary of State has given very careful consideration to the Inspector's balancing of considerations at IR116 – 122.
22. As set out at paragraph 10 above, the Secretary of State has concluded that the scheme is inappropriate development in the Green Belt and, in line with PPG2: *Green Belts*, he attributes substantial weight to this harm. The Secretary of State has concluded that the scheme would cause significant harm to the openness of the Green Belt and that it would cause moderate harm to one of the purposes of including land in the Green Belt (paragraph 13 above). He has concluded that the scheme is in conflict with LP policy Env1. He considers that the scheme would have some limited effect on the appearance of this part of the Green Belt, including its visual amenities, and that it would conflict to a limited degree with LP

policy H13(c) and (g), although this conflict could be mitigated to a significant extent by additional landscaping (paragraph 14 above).

23. As set out in national policy, the Secretary of State attaches great importance to Green Belts, which remain an essential element of planning policy. He observes that the most important attribute of Green Belts is their openness. Whilst the existing development within and near the site have already changed the character of the countryside in its vicinity, PPG2 makes clear that the quality of the landscape is not relevant to the continued protection of Green Belt land. The Secretary of State considers that the harm the scheme would cause to the Green Belt weighs very heavily against it.
24. Turning to matters put forward in support of the appeal, the Secretary of State has concluded that there is an unmet need for sites in Nuneaton and Bedworth and he has attributed significant weight to this matter (paragraph 15 above). In relation to five of the proposed pitches, the Secretary of State has attributed significant weight both to the proposed site occupants' personal need for pitches and to the lack of suitable, available, alternative sites (paragraph 17 above). The Secretary of State has also attributed moderate weight to the family support and facilitating the gypsy way of life for all proposed residents, including the extended families' need to live together (paragraph 17 above). He has given significant weight to Joyce Fury's health needs and moderate weight to the health needs of the other proposed site occupants (paragraph 18 above). He has also given moderate weight to continuity of education in respect of 2 pitches (paragraph 19 above).
25. The Secretary of State has taken account of the Inspector's comments at IR120-121. In relation to the Inspector's comment (IR121) that, if the appellant's family were to live on the appeal site, the harm caused to the Green Belt and to the appearance of the area would be limited (IR121), the Secretary of State refers to his findings above on the actual harm which he considers would be caused. He sees no reason to disagree with the Inspector's other comments at IR120 -121.
26. The Secretary of State has given very careful consideration to these matters. He has concluded that the scheme would cause harm to the Green Belt in a number of respects and that this weighs very heavily against it. Whilst he considers that there are also a number of considerations weighing in support of the appeal proposal, he does not consider that those considerations, either individually or cumulatively, clearly outweigh the harm he has identified and he concludes that very special circumstances to justify this development in the Green Belt do not exist.
27. The Secretary of State has gone on to consider whether permission would be justified on a temporary basis. He has had regard to the Inspector's remarks on temporary permission at IR123 – 126. In relation to the appropriate period to consider for a temporary permission, for the reasons given by the Inspector at IR125, he considers that it is reasonable to take the period to 2016 and he is satisfied that he can have a reasonable expectation that new sites are likely to become available to meet the need in the Borough by that time.
28. In considering the justification for a temporary permission, the Secretary of State agrees with the Inspector that the weight attributable to the harm that would be

caused to openness, to conflict with one of the purposes of including land within the Green Belt and to the appearance of the area and the visual amenities of the Green Belt would all be reduced as the development would be time limited (IR124). However, like the Inspector, he considers that the harm caused by reason of the scheme's being inappropriate development in the Green Belt would be unchanged (IR124). In common with the Inspector (IR125), in considering a temporary consent, the Secretary of State attaches substantial weight to the unmet need for sites. The weight he gives to the other considerations put forward in support of the proposal remain as set out above.

29. The Secretary of State has weighed these matters carefully but in his view the harm to the Green Belt caused by inappropriate development and other harm would not be outweighed by the material considerations which he has weighed in support of the scheme, even on a temporary basis.
30. The Secretary of State has considered the Inspector's view that dismissal of the appeal in relation to those families without a permanent pitch would have a disproportionate effect upon their rights under Article 8 of the European Convention on Human Rights, that this adds a significant degree of weight to the other considerations in favour of the appeal and that the interference would be less for Rose Fury as she already has a permanent pitch (IR103). The Secretary of State does not agree with the Inspector on this matter. He considers that dismissal of the appeal may lead to an interference with the rights of Joyce Fury, who is currently living on the appeal site, and potentially also with the rights of the other proposed occupants. However, he considers that such interference must be balanced against the harm to the Green Belt and he concludes that dismissal of the appeal is a necessary and proportionate response, and that the public interest cannot be protected by means which are less interfering.

Conditions

31. The Secretary of State has considered the proposed conditions at Annex A to the IR, the Inspector's comments at IR27 – 28 and Circular 11/95. He is satisfied that the conditions recommended in the Inspector's schedule are reasonable and necessary and meet the tests of Circular 11/95. However, he does not consider that they overcome his reasons for dismissing the appeal.

Overall Conclusions

32. The Secretary of State has concluded that the scheme conflicts with LP policies Env1 and H13 (c) and (g). He has found that the harm which the scheme would cause to the Green Belt would not be clearly outweighed by other considerations and that very special circumstances to justify the development on either a permanent or a temporary basis do not exist. He concludes that the scheme conflicts with the development plan and with national policy in PPG2: *Green Belts* and he has found no material considerations of sufficient weight for him to determine the appeal other than in accordance with the development plan.

Formal Decision

33. Accordingly, for the reasons given above, the Secretary of State hereby dismisses your client's appeal and refuses planning permission for the change of

use of land to residential caravan site for 6 gypsy families, with a total of 10 caravans, including 6 static mobile homes and laying of hardstanding at Two Trees Farm, Coventry Road, Aldermans Green, Coventry, Warwickshire, CV2 1NT in accordance with application reference 030839, dated 30 March 2011.

Right to challenge the decision

34. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
35. A copy of this letter has been sent to Nuneaton and Bedworth Borough Council and all other parties who appeared at the Inquiry. A notification email has been sent to all other parties who asked to be informed of the decision.

Yours sincerely,

Christine Symes

Authorised by Secretary of State to sign in that behalf



Report to the Secretary of State for Communities and Local Government

by Louise Crosby MA MRTPI

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

Date: 16 December 2011

TOWN AND COUNTRY PLANNING ACT 1990
NUNEATON AND BEDWORTH BOROUGH COUNCIL
APPEAL BY MR JASON FURY

Hearing held on 2 November 2011

Two Trees Farm, Coventry Road, Aldermans Green, Coventry, Warwickshire, CV2 1NT

File Ref: APP/W3710/A/11/2157183

File Ref: APP/W3710/A/11/2157183

Two Trees Farm, Coventry Road, Aldermans Green, Coventry, Warwickshire, CV2 1NT

- 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 Jason Fury against the decision of Nuneaton & Bedworth Borough Council.
- The application Ref: 030839, dated 30 March 2011, was refused by notice dated 13 July 2011.
- The development proposed is change of use of land to residential caravan site for 6 gypsy families, with a total of 10 caravans, including 6 static mobile homes and laying of hardstanding.

Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions.

Procedural Matters

1. The Hearing was held and the site visit took place on 2 November 2011. By letter of 8 September 2011 the Secretary of State recovered this appeal for his determination on the grounds that it involves a proposal for significant development in the Green Belt.
2. The planning application was refused for the following reasons:
 - i) *Policy Env1 of the Saved Nuneaton and Bedworth Local Plan 2006 states:*

Within the Green Belt development will not normally be permitted unless it is for:

 - *agriculture and forestry.*
 - *essential facilities.*
 - *for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt, and which do not conflict with the purposes of including land in it.*
 - *limited extension, alteration or replacement of existing dwellings.*
 - *limited infilling or redevelopment of major existing developed sites identified in adopted local plans.*
 - ii) *Planning Policy Guidance Note 2 – Green Belts (January 1995) is also a material consideration.*

Paragraph 3.2 of PPG2 states:

3.2 Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 3.12 of PPG2 states:

3.12 The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of the land are inappropriate development unless they maintain the openness and do not conflict with the purpose of including land in the Green Belt.

- iii) *Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites Paragraph 49 states:*

'New gypsy and traveller sites in the Green Belt are normally inappropriate development as defined in Planning Policy Guidance Note 2 'Green Belts... Alternatives should be explored before Green Belt locations are considered.'

- iv) *Policy H13 of the Saved Nuneaton and Bedworth Local Plan 2006 states:*

Proposals for additional traveller sites must meet the following criteria:

- a. Demonstrable need cannot be met on present sites.*
- b. Compatibility with other Plan policies – sites for travellers will not normally be appropriate in the Green Belt.*
- c. Acceptable impact on the environmental quality of the surrounding area.*
- d. Compatibility with nearby land uses.*
- e. Good access to the public highway and sufficient area on site for vehicle movements.*
- f. Good access to local services and facilities - schools, shops, medical practitioners.*
- g. Defined boundaries with embankments and/or extensive landscaping and planting.*

- v) *The proposal is contrary to PPG2 – Green Belts, Circular 01/2006 and policy Env1 and criterion b of policy H13 of the saved Nuneaton and Bedworth Borough Local Plan 2006 in that it constitutes inappropriate development within the Green Belt. The site is visible from the adjoining road and six static mobile homes and 4 other caravans plus hardstanding will have an adverse impact on the openness of the Green Belt, it will result in the encroachment of development into the countryside and will therefore be detrimental to the character of the area. It would result in a concentration and consolidation of sites within this Green Belt area, thereby intensifying the harm to openness, visual amenity and character of the area.*

- vi) *The information submitted to support the application does not constitute very special circumstances to outweigh the harm by reason of inappropriateness and by reason of the detrimental impact on openness, visual amenity, and the character of the Green Belt. The supporting information does not clearly demonstrate that there is a specific need for this accommodation that cannot be met on other sites (as required by criterion (a) of policy H13 of the saved Nuneaton and Bedworth Borough*

Local Plan 2006). It has not been demonstrated that there is justification for a departure from policy in this location, to allow the development.

3. The appellant, along with his wife and four children, currently live in the bungalow known as Two Trees Farm. They have lived there since the beginning of 2011 and prior to that they lived mainly at Little Orchard, a transit gypsy site. The bungalow and its garden are outside, but adjacent to the appeal site which is around 0.4 ha in size. Moreover, the appeal site is owned by the appellant and it is intended that the caravans would be occupied by his extended family¹.
4. Although the appeal site falls wholly within the administrative boundary of Nuneaton and Bedworth Borough Council, the eastern boundary is very close to land within Rugby Borough. Rugby Borough Council have objected to the proposal.
5. The submitted planning application form says that the appeal site is on Coventry Road. However, the Council refer to the road in their decision notice as Mile Tree Lane and this is how it was referred to by the parties at the appeal and indeed in their appeal statements. It seems that the road changes name at some point along it, but it is not clear exactly where this occurs. Consequently, I have used Coventry Road in my banner heading above (as per the planning application form), but in my report below I refer to it as Mile Tree Lane.

The Site and Surroundings

6. The appeal site is located within the West Midlands Green Belt. It is located to the rear of Two Trees Farm and is positioned at the south-western end of a ribbon of residential properties. These comprise a mix of detached bungalows and caravan sites. It is bounded to the north-east by The Poppies (a bungalow) and a gypsy site containing mobile homes. To the south-east and south-west is land owned by the appellant and this is currently used for grazing horses. Beyond this is flat open agricultural land. Most of the site is currently grassed.
7. It also contains two large blockwork buildings close to the north-eastern boundary and a container along the north-western boundary. The south-western border of the appeal site is defined by a close boarded fence, around 2 metres in height and a hedge; and the south-eastern border by a post and rail fence. The boundary of the paddock beyond this is defined by a denser hedgerow. There is currently one mobile home on the appeal site and three touring caravans are stationed within the rear garden of Two Trees Farm.

Planning Policy

8. Relevant Government guidance comprises: Planning Policy Statement (PPS) 1: *Delivering Sustainable Development*, Planning Policy Guidance Note 2 (PPG) 2: *Green Belts*, PPS3: *Housing*, PPS7: *Sustainable Development in Rural Areas*, PPG13: *Transport*, ODPM Circular 01/2006: *Planning for Gypsy and Traveller Caravan Sites* (Circular 1/06).
9. The Government's draft PPS on Planning for Traveller Sites (April 2011) and consultation draft National Planning Policy Framework (July 2011) are also material considerations. The parties agree that the emerging policies are a

¹ Appellant's Hearing Statement – paragraph 5.27

material consideration in the determination of this appeal. The parties agree that little weight should be attached to these documents at their current stage and I concur, although I have had regard to them in this report.

10. The development plan includes the Regional Strategy for the West Midlands 2008 (RS), the saved policies of the Warwickshire Structure Plan 1996-2011 and the saved policies of the Nuneaton and Bedworth Borough Local Plan 2006 (LP). The following is a summary of the relevant policies.

Regional Strategy for the West Midlands

11. Policy CF5 advises that development plans should ensure that adequate provision is made for suitable sites to accommodate gypsies and other travellers. It states that such provision should reflect the order of demand in the area as indicated by the ODPM annual caravan count and any additional local information.
12. On 6 July 2010 the Secretary of State announced the revocation of the Regional Strategies with immediate effect. This was subject to challenge and the outcome of the litigation was that the revocation was quashed on 10 November 2010. The effect of this is that the RS remains as part of the development plan. However, I have had regard to the intended abolition of the Regional Strategies, which remains a material consideration, albeit of limited weight. The Localism Act 2011 received Royal Assent on 15 November 2011.

Nuneaton and Bedworth Borough Local Plan

13. Policy H13 is a criteria based policy against which proposals for new gypsy and traveller sites are to be assessed. Policy ENV1 sets out the Green Belt policy consistent with PPG2.

Emerging Local Development Framework (LDF)

14. The Council advises² that the LDF is at an early stage. They indicated at the Hearing that they currently envisage adopting the Nuneaton and Bedworth Borough Plan (Core Strategy) by autumn 2013 and their Site Allocations Development Plan Document (DPD) around a year later. The Site Allocations DPD would include gypsy and traveller sites³.

Planning History

15. The planning history relates to the planning permission for the existing bungalow (Two Trees Farm), associated garage and a single storey extension to the garage. Two Trees Farm is subject to an agricultural occupancy condition. The Council confirm that although the appellant does not satisfy the requirements of this planning condition, they do not intend to take enforcement action since their investigations have led them to believe that the bungalow has not been lawfully occupied for in excess of ten years. Likewise, there are two agricultural buildings on the appeal site and a container. These do not have planning permission, but the Council take the view that they are at least four years old and likely to be lawful.⁴

² Council's Hearing Statement – paragraph 3.4

³ Verbal information provided at the Hearing

⁴ Council's Hearing Statement - annex B, paragraphs 10 & 11

16. One mobile home is currently sited within the appeal site and three touring caravans are located within the rear garden of Two Trees Farm. None of these have planning permission and so on 28 July 2011 the Council, as a first step towards enforcement action, served a notice on the appellant under Section 330 of the Town and Country Planning Act 1990.
17. The appellant responded, advising that the use of the land as a caravan site commenced on 31 January 2011. At that time the appellant was living in one of the touring caravans whilst work was being carried out to Two Trees Farm. The Council has not taken any further enforcement action and will not until the outcome of the appeal is known.

The Proposal

18. The development seeks to accommodate six families in a total of ten caravans, six of which would be mobile homes. A hardstanding area is also proposed within the appeal site.
19. The appeal site would be occupied by the following families:
 1. Joyce Fury (appellant's mother);
 2. Steven and Esther Smith (appellant's sister-in-law) together with their children, Steven (7 years old) and Lewis (5);
 3. Patrick and Elizabeth Fury (appellant's brother and sister-in-law), together with their children Elizabeth (14), Hannah (13) and Patrick (7);
 4. Noah and Debbie Fury (appellant's brother and sister-in-law), together with their adult children;
 5. Mark and Helen Sykes (appellant's parents-in-law); and
 6. Rose Fury (appellant's aunt).
20. All of these family members, with the exception of Rose, have in the past lived mainly at Little Orchard (a transit gypsy site). Rose lives on a permanent gypsy site in South Wales.
21. The mobile home on the appeal site is occupied by Joyce Fury. The three touring caravans are occupied by Steven and Esther Smith and their children; Mark and Helen Sykes; and Patrick and Elizabeth Fury and their children. Rose still lives in Wales at present and Noah, Debbie and their children are currently away travelling.

Other Agreed Facts

22. It is agreed between the parties that the appellant and other occupants of the site are gypsies as defined in paragraph 15 of Circular 1/06. The parties also agree that the proposal constitutes inappropriate development in the Green Belt and that it is for the appellant to demonstrate whether very special circumstances exist to justify the development.

The Case for the Appellant – from the submitted Hearing Statement as supplemented by oral evidence at the Hearing

Policy

23. The LP does not comply with Circular 1/06. In particular, it is not based on an assessment of Gypsy and Traveller accommodation needs and does not allocate land for the provision of gypsy sites.
24. While LP policy H13 remains a material consideration, this is only in so far as any criteria it contains reflect the more up-to-date guidance in Circular 1/06. In particular, criterion (a) is only relevant in circumstances where the Council has assessed the need for additional gypsy sites and proceeded to identify sufficient sites to satisfy the need identified. This is not the situation in Nuneaton and Bedworth Borough.

Green Belt openness, other purposes and visual amenity

25. It is conceded that the proposal would reduce openness to a limited extent and that any new gypsy site would have some impact on openness. Here the proposed development would be screened to some degree by existing fencing and landscaping. The proposal must be viewed in its context, close to other built development and gypsy caravan sites. In relation to the other purposes of the Green Belt the proposal would encroach into the open countryside to a limited extent, but it would not contribute to the merging of settlements; nor would it result in the unrestricted sprawl of a large built up area.
26. The appeal site does not project forward of the existing building line along Mile Tree Lane. Access would be via an existing domestic driveway and the additional traffic and activity would not appear unusual or out of character in this locality. The only public view of two of the mobile homes would be above an existing domestic fence, within the gap between the appellant's bungalow and the adjacent bungalow (The Poppies). Mobile homes situated to the rear of The Poppies are already visible within this view as are the existing outbuildings.
27. At the Hearing the Council referred to an appeal decision⁵ in the Borough for a gypsy site with 7 pitches where the Inspector concluded that the proposal would cause serious harm to the openness and visual amenities of the Green Belt. However, that site is materially different to this one as it was in a much more isolated location, with no other development around it. That is not the case here.
28. Additional landscaping/planting could be carried out in front of existing fences along the western and southern boundaries of the proposed caravan site in order to further soften the appearance of the development. As such, the proposed caravan site could be satisfactorily assimilated into its semi-rural surroundings and would not cause material harm to the character or appearance of this particular area of Green Belt.

Sustainability

29. The appeal site is located within 2km of the centre of Bulkington where there is a full range of local shops, services, a medical centre and dentist's surgery as well as other community facilities. Bulkington is within walking distance of the appeal site⁶.

⁵ Document 1

⁶ Appellant's Hearing statement

Highway safety

30. Access to the site is from a road with wide grass verges that give excellent visibility towards, and from, traffic approaching along the main road⁷.

The general need for gypsy and traveller sites

31. The Gypsy and Traveller Accommodation Assessment for South Staffordshire and North Warwickshire (GTAA)⁸, published in 2008, identified a need for an additional 20 residential pitches in Nuneaton and Bedworth Borough in the period 2007-2012 and for a further 7 pitches in the period 2012-2016. In summary, the GTAA suggests that between 2007 and 2016, 27 permanent pitches are required and 5 transit pitches. While the Council have approved some new pitches since 2007, there is still a residual need for around 10 permanent pitches up to 2012.
32. The Council concedes that it is unlikely to adopt its Site Allocations DPD until at least autumn 2014. The Council have not complied with the aim of Circular 1/06 to increase significantly the number of gypsy and traveller sites in order to address under provision within 3-5 years, by February 2011. Also, they will not have a five year supply of deliverable sites for gypsy accommodation, as required by PPS3, until at least autumn 2014. It is agreed that allocated sites will not come forward until 2015.
33. There is one public gypsy site in Nuneaton and Bedworth Borough, known as 'The Griff'. This has planning permission for 25 caravans, but according to the bi-annual Caravan Count⁹, it has accommodated between 29 and 45 caravans in the last three counts (January 2010 – January 2011).
34. There is not only a significant unmet need within the Borough for gypsy and traveller sites, but the development plan has failed to meet that need. Given the timescale of the Site Allocations DPD and the time it will take for sites to come forward after adoption the required pitches will not come forward through the development plan process, but through planning applications. The substantial unmet need in the Borough and the failure of the development plan to meet this demand weighs significantly in favour of the proposal.

Personal need for accommodation

35. Jason Fury bought Two Trees Farm and the adjacent paddocks at the beginning of 2011 with the intention of living in the bungalow with his wife and four children and allowing his extended family to site their caravans on the adjacent land.
36. The Fury family and Mr and Mrs Sykes have lived in this general area for many years, staying mainly at Little Orchard in nearby Shilton. This is a private transit site where residents must live in touring caravans and share communal toilet and shower facilities. The site closes for a period every year and all residents are required to leave at that time. Consequently, the Fury family and Mr and Mrs Sykes have in the past had to occupy roadside encampments from time to time. Also, residents on that site cannot receive mail there. The sanitary facilities,

⁷ Design and access statement

⁸ Council's Hearing Statement - appendix C

⁹ Council's Hearing Statement - appendix F

remote from her caravan, made it very difficult for Joyce Fury because of her reduced mobility. The time limit on the length of stay at this site also made it very difficult for the children to attend school on a regular basis.

37. Other than Rose Fury, the appellant's aunt, who lives on a permanent gypsy site in South Wales, none of the other inter-related family members has any lawful site to go to. Jason Fury, his brothers Patrick and Noah and his brother-in-law, Steven Smith are regularly away travelling for work reasons. Living together in one place allows the other family members to support each other as this is an important part of gypsy culture. There are also times when some of the younger family groups travel for pleasure. None of Jason's wider family members have ever lived in bricks and mortar accommodation and they do not wish to in the future.

The lack of availability of suitable alternative sites

38. Paragraph 49 of Circular 1/06 does not entirely preclude the possibility of permission being granted for sites within the Green Belt, at least as a last resort. Whilst alternatives should be explored first, it has been clarified that this reference is to the identification of sites for DPD allocation. *South Cambridgeshire DC v SSCLG and Brown (2008) EWCA Civ 1010* has shown that there is no requirement for an application to prove that no alternative sites are available, even in areas of Green Belt.
39. Circular 1/06 recognises that gypsy sites are likely to be located outside of existing urban areas, in countryside. This is particularly the case with private site provision because gypsy sites cannot generate land values sufficient to compete with housing or commercial development.
40. Apart from open land in the north-east of the Borough, most open land is designated as Green Belt. With the exception of The Griff, which was taken out of the Green Belt, all gypsy sites in Nuneaton and Bedworth Borough and most gypsy sites (both authorised and unauthorised) in Rugby Borough are located within the Green Belt between Bulkington and Coventry, bounded by the M6 to the south and M69 to the east.¹⁰ The Council has recognised that this area is popular with gypsies and granted planning permission for five new gypsy sites within the Green Belt since 2007¹¹.
41. There is one public gypsy site in Nuneaton and Bedworth Borough, as set out above. There are also eight authorised private gypsy sites in the Borough. All but one of the private authorised sites have personal planning permissions and all of the existing authorised sites are usually full. Regarding the sites put forward by the Council at the hearing, two of these are not gypsy sites and so would be wholly unsuitable, the two plots at The Poppies are on a private gypsy site and it is unknown what the owner's intention is for these plots or whether they would be affordable. The single gypsy plot is not suitable. Families have tried to live there unsuccessfully. That is the reason why it is vacant. In any event that plot would not resolve the needs of this family. The lack of suitable, available and affordable sites weighs significantly in favour of the proposal.

¹⁰ Appellant's hearing statement – supplemented by verbal information at the hearing

¹¹ Document 3

Other personal circumstances

42. Joyce Fury suffers from a number of medical conditions and attends hospital in Nuneaton on a regular basis for chemotherapy¹². Joyce now lives on the appeal site in a mobile home and is cared for by her extended family. Lewis Smith suffers from a heart condition which necessitates long stays at Great Ormond Street Hospital¹³, accompanied by his parents. During this time Esther and Steven's elder son (Steven Smith (Jnr)) is cared for by the appellant's wife in the bungalow (Two Trees Farm). This allows Steven (Jnr) to carry on attending school in Wolvey. Esther is expecting her third child, which is due in January 2012. Mark and Helen Sykes suffer from heart disease/arthritis respectively. Rose, Jason's aunt, is in her 60's and suffers from arthritis. Neither Patrick and his family, or Noah and his family, suffer from any medical conditions. The lack of a permanent pitch and the uncertain future for most of the family members is extremely stressful and is not good for their health, particularly those with existing conditions.¹⁴
43. There would be five children of school age occupying the site. The youngest three attend the primary school in nearby Wolvey and this caters well for their needs and is popular with gypsy and traveller families. The two elder children are being home tutored.

Human Rights considerations

44. If this appeal is dismissed, the Council is likely to seek vacation of the appeal site and the garden of Two Trees Farm. It would result in an interference with the home and family lives of the site residents' home and private and family lives under Article 8 of the European Convention of Human Rights (ECHR). This would be far greater than any alleged harm to the Green Belt and disproportionate to any claimed benefit of removing the site's residents from their home. This is particularly the case because eviction would be likely to result in extreme hardship to Joyce Fury and enforced roadside camping by the Smith family which would cause greater environmental damage, highway danger and increased community annoyance.
45. In *Wychavon v SSCLG & Butler (2008) EXCA Civ 692*, the Court of Appeal considered that the loss of their home by a gypsy family, with nowhere else to live, was capable in law of being regarded as very special circumstances for the purposes of PPG2 and was to be weighed in the balance between the value society attached to the protection of gypsy homes against the public value of protecting the Green Belt.

Permanent or temporary planning permission

46. There is a case for a temporary planning permission. In the absence of any overriding amenity, highway safety or flooding objections Circular 1/06 makes clear that temporary approval is usually to be preferred to making gypsies homeless by eviction from unauthorised sites.

¹² Appellant's Hearing Statement – appendix 5

¹³ Appellant's Hearing Statement – appendix 6

¹⁴ Verbal view provided at the Hearing

47. There is an identified unmet need for additional gypsy sites in Nuneaton and Bedworth Borough and an absence of alternative site provision. The Council has a statutory duty under section 225 of the Housing Act 2004 to have in place a strategy capable of meeting the accommodation requirements of those living in its Borough, including gypsies and travellers. Bearing in mind also the requirement in PPS3 for local authorities to maintain a five year supply of deliverable sites for housing, it is reasonable to assume that the Council will have made considerable progress in bringing forward alternative sites within the next 5 years.
48. In the above circumstances paragraphs 45 and 46 of Circular 1/06 are engaged and the decision maker must consider whether if it is found not to be appropriate to grant a permanent planning permission a temporary planning permission should be granted. In considering that substantial weight must be given to the unmet need. The reduction in harm caused by the temporary nature of a time-limited planning permission and the increased weight attributable to the unmet need shifts the balance further in favour of the appellant's case and justifies at least the granting of a 5 year temporary planning permission.

The Case for the Council – from the submitted Hearing Statement as supplemented by oral evidence to the Hearing

Policy

49. The draft Planning Policy Statement on Planning for Traveller Sites advocates significant changes to the way in which gypsy and traveller sites in the Green Belt are proposed to be dealt with, thus creating a more level playing field with other forms of housing. Also, policy E removes the word 'normally', which is a material change.

Green Belt openness, other purposes and visual amenity

50. Openness is a key characteristic of the appeal site, which with the exception of two former agricultural buildings and a container comprises previously undeveloped open grassland. The proposal would result in a significant and detrimental erosion of this openness. The impact would be significantly exacerbated by the location of the appeal site, at the end of a linear row of developed sites along Mile Tree Lane. This position makes the appeal site particularly prominent when viewed from the adjoining road, especially when travelling from south-west to north-west. It also makes the appeal site highly prominent from the surrounding agricultural fields to the south-east and south-west and the public footpath (No B56), to the south-west.
51. Existing hedges and trees to the south-western and south-eastern boundaries would help to reduce views of the proposed development, but this cannot be solely relied upon for mitigation and such landscaping could be removed in the future. The static mobile home that is already on the site is clearly visible from Mile Tree Lane, through the existing landscaping, and this demonstrates that the proposed development would be conspicuous and prominent in nature.
52. In any event, the landscaping would merely help to screen the development from public views; it would not prevent or reduce the impact on the openness of the Green Belt which ought to be protected in the public's interest. Also, given the presence of the adjacent gypsy sites to the north-east of the appeal site and the

two former agricultural buildings and the container on the appeal site the proposal would consolidate encroachment into this rural landscape.

53. The proposal would conflict with three of the purposes of including land in the Green Belt; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; and to assist in safeguarding the countryside from encroachment. The proposal would create the merging of Coventry, Bulkington and Barnacle¹⁵.
54. The Inspector who dealt with an appeal for 7 gypsy pitches, on a different site, in the Green Belt in the Borough found that that development would seriously harm the openness and visual amenities of the Green Belt.
55. In addition to the substantial weight to be attached to the harm arising from inappropriateness; significant weight should also be afforded to the harm to openness and the identified conflict with the purposes of including land in the Green Belt¹⁶.

Sustainability

56. Access to local services from the site is not good, but given that other similar proposals have been approved nearby, there are no objections on this ground.

Highway safety

57. There are no objections on highway safety grounds. However, some conditions are recommended to take account of the intensification of the use of the access.¹⁷

Other material considerations

The need for gypsy and traveller sites

58. In accordance with Circular 1/06, the Council commissioned, in collaboration with other local authorities, a GTAA. This identified a need for 27 permanent pitches and 5 transit pitches between 2007 and 2016. The findings from this assessment were subsequently checked and modified from a regional perspective in the RSS Phase Three Revision Document 2010¹⁸. This suggests that 29 permanent residential pitches would be required within the Borough between 2007 and 2017. It also advises that a further 5 transit pitches would be required during this period to accommodate short-term needs.
59. The Council has had regard to the Government's intention to abolish Regional Strategies and the associated targets. However, the RSS targets are based upon a comprehensive background paper which assessed the need for the provision of new gypsy accommodation across the region. These target figures do add weight in favour of the proposal when considering the general need for gypsy accommodation in the Borough. Figures from the bi-annual count of gypsy and traveller caravans provide further evidence of the need for accommodation. In

¹⁵ View provided at the Hearing

¹⁶ View provided at the Hearing

¹⁷ Council's Highway Control Engineer's consultation response in respect the planning application

¹⁸ Council's Hearing Statement – appendix D

January 2011, 14 unauthorised caravans were recorded in the Borough, and this number has varied between 2 and 14 in the four previous counts.

60. In view of the need for new gypsy pitches, a Borough Plan (Core Strategy) is being prepared, which will set out how this provision is to be made. However, this will not be adopted for at least two years and so there is consequently a 'vacuum' in terms of identifying suitable sites. Nonetheless, the Council has granted permanent planning permission for 20 new gypsy sites and temporary planning permission for 2 new gypsy sites since 2007. At present there is a shortfall of 7 to 9 permanent pitches to meet the identified requirement of 27 new pitches by 2016 or 29 new pitches by 2017.
61. Despite the general need for additional gypsy accommodation in the Borough, the supporting information submitted with the planning application did not clearly demonstrate that the intended occupants of the site have a specific personal need for accommodation to justify the development of a new site in the Green Belt. There was no information to explain why the previous accommodation of Joyce Fury and Steven and Esther Smith and Mark and Helen Sykes was not adequate and why the existing accommodation of Rose Fury is not adequate.
62. Whilst static mobile homes may be preferable accommodation to living in touring caravans for the two Fury brothers and their families, this does not constitute an unmet need for new sites which needs to be catered for. This is especially so given that they previously resided on the Little Orchard site. The stated need for this new site should therefore be classified as a personal need driven in part by the desire to live together as an extended family rather than forming part of the general need for new gypsy pitches in the Borough.
63. There is a clear general need for gypsy accommodation in the Borough, which cannot be fully met at the present time, but it has not been clearly demonstrated that in this case there is no conflict with criterion 'a' of policy H13 of the Local Plan which requires there to be a demonstrable need which cannot be met on present sites. Therefore these circumstances carry little weight to override the harm to the Green Belt.

The lack of availability of alternative sites

64. Paragraph 49 of Circular 1/06 stipulates the need for applicants to explore alternative sites before Green Belt locations are considered. In this respect no information was supplied with the planning application or grounds of appeal detailing what attempts have been made to find alternative sites. The fact that the appeal site is owned by the appellant does not in itself constitute a reason not to undertake a search for suitable alternative sites. The assertion within the grounds of appeal that there are no alternative sites is consequently not considered to be sufficient.
65. This is particularly so given that Warwickshire County Council's Gypsy and Traveller Service have confirmed that seven new plots at the recently refurbished The Griff site were publicised. These plots included new static mobile homes and were available before the appellant purchased the site of Two Trees Farm earlier this year. The Gypsy and Traveller Service also confirmed that the appellant and proposed occupants of the site did not put themselves forward for any of these plots. This would have been an appropriate alternative site to achieve the

appellant's desired aim of all living together without the associated harm to the Green Belt. However, there are now currently no vacancies at The Griff site.

66. Consideration has to be given to the planning permission which has recently been granted at the immediately adjacent site (The Poppies)¹⁹. This site has been granted planning permission for 6 gypsy and traveller pitches. It was agreed at the appeal site visit that there were 2 vacant pitches here. This would clearly present an opportunity for providing for the accommodation needs of some of the appellant's extended family without causing further harm to the Green Belt. In addition there are 2 vacant plots on a park home site owned by the Council and consent has been given for a single gypsy pitch on a site near Nuneaton and this is vacant.
67. Notwithstanding the above, Circular 1/06 is clear in that it is for the appellant to demonstrate that alternative sites have been looked at and are not suitable. There is no evidence of this and there is consequently no material justification to add in favour of the proposed development.

The families' personal circumstances

68. The Council has had regard to the following personal circumstances of the intended occupants, as set out in the Design and Access Statement. Joyce Fury has medical conditions which make her tired and limit her mobility. It is stated this makes living in a touring caravan with separate facilities unsuitable. Rose Fury suffers from arthritis and could be cared for by her family if she moved onto the appeal site. Little Orchard site does not permit static caravans. The Fury brothers and their families would look after Joyce and Rose Fury, but also want a better standard of accommodation for themselves.
69. The proposal would also allow Patrick and Elizabeth Fury to keep their son at Wolvey Primary School. Mark and Helen Sykes suffer from heart disease and arthritis respectively and need a settled site where they have the support of their daughters. Esther and Steven Smith need a settled site partly to look after Esther's parents, but also so that when they go to London for their son Lewis to have heart treatment, Jason Fury and his wife can look after their other son Steven (Jnr) and take him to Wolvey School.
70. On this basis there are personal circumstances to take into consideration. The Council's enforcement investigations revealed that it was the appellant's original intention for Joyce Fury to live within the bungalow of Two Trees Farm. Only limited information was provided with the planning application in this regard. The same is true of Rose Fury; and Mark and Helen Sykes. While these questions were answered at the Hearing and the Council does not dispute the personal circumstances here or why Joyce Fury cannot live in the bungalow, they do not constitute a very special circumstance to justify development in the Green Belt.
71. These circumstances do not justify the need for the two Fury brothers and Esther and Steven Smith to occupy the site to help provide this care and assistance. The ratio of adults proposed to provide care and assistance to those members of the extended family who are elderly and/or sick is disproportionate. Moreover,

¹⁹ Council's Hearing Statement – appendix H

the desire of the Fury brothers to move to the site in order to obtain better accommodation does not constitute a very special circumstance. In the case of Esther and Steven Smith, it is considered that there is no reason why their son, Steven (Jnr) could not be cared for by the appellant or a member of the extended family in their accommodation when they have to travel to London.

72. It is acknowledged that this extended family wishes to live together, that this is a key feature of the traditional way of life for gypsies and that this has an impact on their accommodation needs. Regard must also be had to paragraph 3.16 of the Government's consultation 'Planning for traveller sites' which makes it clear that 'applications from travellers for development on Green Belt should be dealt with in exactly the same way as applications from members of the settled community'. This shows a clear emerging policy direction which should be treated as a material consideration. In this sense the personal circumstances presented by the appellant are very similar to the circumstances many people within the settled community live with. These circumstances alone do not represent the very special circumstances required to allow inappropriate development in the Green Belt and do not outweigh the harm that would be caused to the Green Belt if the development were approved.

Temporary planning permission

73. The granting of temporary planning permission, as referred to in paragraph 45 of Circular 1/06, is consequently also considered to be unacceptable in view of the above.

The case for Mr Bates (local resident)

74. The following points are in addition to those covered above by the Council. Two Trees Farm was originally granted planning permission because of an agricultural need and so it was subject to an agricultural occupancy condition, which still exists. There is a long history of gypsy site development to the rear of the dwellings to the north-east of the appeal site. The fact that the land to the rear of these dwellings is split between two separate local authorities has led to applicants 'getting around' planning objections. This Council has tried to accommodate gypsies and travellers, but other local authorities have done less and tried to off-load the problem of provision here. The general increase in gypsies and travellers in this area is putting a strain on local services and car parking in Bulkington.

Written Representations

75. One written letter of objection was submitted at appeal stage. Around 120 households objected to the proposal at the planning application stage as well as Shilton Parish Council and a few local groups. Also, a letter of objection was submitted at the planning application stage by Mark Pawsey, MP for Rugby. Many of the issues raised have been recorded above in the case for the Council and Mr Bates. Other material points made are:

Sustainability and the strain on local services; highway safety; and crime and anti-social behaviour.

Conditions

76. A list of conditions was submitted with the Council's Hearing Statement. These and others were discussed at the Hearing.

Inspector's Conclusions

The numbers in square brackets [] refer to earlier paragraphs in the report on which my Conclusions are based.

Main Considerations

77. Both parties acknowledge that the proposal would be inappropriate development in the Green Belt and I agree [22]. The main considerations in this case are therefore:
- ii) the effect of the development on the openness of the Green Belt, on the purposes of including land within it and its visual impact;
 - iii) whether the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Green Belt

Openness of the Green Belt [25 - 27, 50 – 52, 54, 55]

78. Circular 1/06 states that new gypsy and traveller sites in the Green Belt will normally be inappropriate development and reiterates the general presumption set out in PPG2. Paragraph 3.2 of PPG2 advises that inappropriate development is, by definition, harmful to the Green Belt and says that substantial weight will be attached to that harm. LP policy Env1 and the accompanying text reflects this national policy.
79. According to PPG2, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the most important attribute of Green Belts is their openness. The appeal site already contains two large structures built of concrete block, a mobile container and a close boarded fence. These reduce openness here to a moderate degree.
80. The proposal would introduce ten caravans to the currently open part of the appeal site and a maximum of six of these would be mobile homes. The existing driveway would be extended into the site and hardstandings created for the parking of vehicles. The proposal would also result in the introduction of ancillary domestic features, including parked domestic and commercial vehicles, domestic paraphernalia and fences.
81. The size of the proposed caravans and mobile homes would be governed by other legislation (which includes a restriction on height) and constrained by the size of the appeal site. From outside the appeal site one would be aware of the presence of caravans on the appeal site and they would impact on openness, as is acknowledged by the appellant. In my view, because of the number of caravans, including six mobile homes, the proposal would cause a significant degree of harm to the openness of the Green Belt.

The purposes of including land within the Green Belt [25, 26, 53, 55]

82. PPG2 also sets out the five purposes of including land in the Green Belt. The Council considers that the proposal would affect three of them. The appellant concedes that the proposal would encroach into the countryside to a limited

extent. Given the limited size of the appeal site, adjacent to a short row of dwellings, I am not convinced that it would result in the unrestricted sprawl of a large built up area. Likewise, the proposal would not result in any material reduction in the gap between Bulkington and any neighbouring town.

83. Clearly, the proposal would encroach into the countryside. However, the site is bounded already by fencing/hedging and contains two buildings. Wherever the site is viewed from it is seen within the context of the adjacent bungalow and the development to the north-east which consists of both bungalows and gypsy caravan sites containing numerous touring caravans and mobile homes. I saw when I visited the site that the mobile homes on the adjacent site are substantial in size. Moreover, the rear boundaries of the nearby sites encroach materially further into open countryside than the appeal site.
84. Whilst this site is on the edge of the adjacent development, with two boundaries adjacent to open countryside, the context of the development that I have described above leads me to conclude that the conflict with one of the purposes of Green Belt designation would be of moderate weight.
85. The significant harm to the openness of the Green Belt and the moderate harm caused by conflict with one of the purposes of including land in the Green Belt add to the substantial harm by reason of inappropriateness. Consequently, the proposal would conflict with LP policy Env1.

Visual impact - character and appearance [25-28, 50-52, 54]

86. The character of the countryside, in the vicinity of the site, has already changed as a result of nearby development. This has had an urbanising effect on this area. From the open countryside to the south-west, including from the nearby public footpath, the main views of the proposal would be of the roofs of the caravans. From this vantage point the roofs of mobile homes at The Poppies are already visible. This proposal would bring development closer to the adjacent open fields and public footpath, but it would also provide an opportunity to provide some additional planting along this boundary.
87. From the south-east the proposal would be seen in the context of the adjacent gypsy caravan sites which encroach materially further in this direction. Again this boundary of the appeal site could be strengthened by additional planting. From Mile Tree Lane, the caravans would be mainly visible from the entrance to the driveway through the gap in the front hedge. I saw when I visited the appeal site that the mobile home that has already been placed on the appeal site is visible from the road. This is seen through the gap between Two Trees Farm and The Poppies. However, similar development is visible through the gaps between the other bungalows along this stretch of the road. Previously the view through the gap would have been of one of the large concrete block buildings. This is now screened to some degree by the mobile home which is more akin to the style of development along this frontage.
88. While the proposal would result in the introduction of a further gypsy caravan site here, it would be the last opportunity for such development to the rear of any of the permanent dwellings and 'round-off' development here.
89. The proposal would not cause any harm to the character of this area and subject to the imposition of a landscaping condition, the development would have some

limited effect on its appearance, including the visual amenities of this part of the Green Belt. In this respect the proposal would conflict with LP policy H13 (c) and (g), but only to a limited degree and this could be mitigated to a significant extent by additional landscaping.

Other material considerations

Need for gypsy and traveller sites

90. There is disagreement between the parties about the level of unmet need. Nevertheless, the Council concede that there is an unmet need for 7 pitches by 2016, based on the GTAA and 9 pitches by 2017 to meet the requirement set out in the RSS. [60]
91. The last three Caravan Counts have recorded between 45 and 29 caravans on The Griff site despite there being planning permission for just 25 pitches. This is a clear indication of need, as is the number of unauthorised sites. On this basis, despite planning permission being granted by the Council for 20 permanent pitches, there is clearly still an unmet need. [33, 60]
92. PPS3 requires local planning authorities to demonstrate a five year supply of housing land. The degree of unmet need in the Borough, in excess of the 6 pitches proposed here is not disputed by the Council. This need has not been met by the development plan and it is unlikely that the Council will have adopted its Site Allocations DPD until at least autumn 2014. Realistically, it is unlikely that the allocated sites would come forward until at least 2015. The Council is unable to demonstrate a five year supply of deliverable sites in the area in accordance with PPS3. Consequently, the unmet need for gypsy sites and the failure of the development plan to meet the need weighs significantly in favour of the appeal. [34, 60, 63]

The accommodation needs of the appellant's extended family and their alternative accommodation options

93. Based upon the submitted evidence, there is no reason to doubt the status of the appellant's extended family as gypsies, as defined in Circular 1/06 and the Council does not dispute this. They all therefore, have need of a pitch on a gypsy site. The appellant currently lives at Two Trees Farm, which has four bedrooms, and the appellant and his wife have four children ranging in age from 6 to 11 years. Consequently there is no space within the bungalow for any members of the extended family. Only Rose Fury has a permanent pitch on a gypsy site and that is in South Wales. She is now in her 60s and has no family there to care for her. None of Jason Fury's extended family members have ever lived in bricks and mortar accommodation and nor do they wish to. [19 - 22, 35, 37, 42]
94. Most of the family members have only ever lived in touring caravans, occupying transit sites, such as Little Orchard, and roadside encampments when that was closed or they went travelling. Little Orchard is a privately owned gypsy site which only permits touring caravans and closes for a period of time each year. Toilets and washing facilities are in communal blocks. Living on that site was very difficult, not only because of the lack of private facilities, but also because of the lack of a permanent address for post and registering with a medical centre. Also, the need to vacate the site each year for a period of time resulted in the interruption of schooling for the children. [36]

95. Although there were places at the public site (The Griff) when the planning application was made, the appellant's family did not apply for pitches there. No explanation has been provided for this and it is difficult to say whether some or all of the appellant's family would have been successful in obtaining a place there. At the present time The Griff is full. [65]
96. Currently, Joyce Fury is living on the appeal site and the Council have indicated that if the appeal is dismissed they would take enforcement action, potentially leading to her being evicted. Given the lack of alternative sites in this area it is likely that she would be forced into a roadside existence. [16 – 17, 21]
97. Three families are currently living within the garden of Two Trees Farm (outside the appeal site). The Council have begun enforcement proceedings in relation to that land and it is likely they would pursue this further if the appeal were dismissed. Ultimately one cannot prejudge what may or may not happen on that site should this appeal be dismissed because there would be various options available to the appellant, such as applying for planning permission on that land. If nothing else this would be likely to delay enforcement action there. However, this may just provide a short term reprieve. [16 - 17, 21]
98. Noah and his family are currently away travelling and have no permanent pitch, although they plan to join their family on the appeal site if planning permission is granted. It is unlikely that they would be able to find an alternative permanent pitch in the area due to the lack of identified vacant pitches that are suitable. [21, 41, 64 – 66]
99. None of these family members have a permanent pitch either in this Borough or elsewhere. The evidence points to there being a personal need for pitches for these family members and this attracts significant weight in favour of the appeal for five pitches. Rose Fury does have a permanent pitch, but it is a long way from her family. Nevertheless, her need for a site is not immediate or pressing. Accordingly her personal need for a pitch does not attract weight in favour of the appeal. I realise that Rose has family and health reasons why she wishes to live on this site and I shall deal with this matter below.
100. It is agreed that there are two vacant pitches on the adjacent gypsy site (The Poppies). There are also two plots vacant on a Council owned park home site. However, this is not a gypsy site and therefore would be unsuitable for this family for cultural reasons. Regarding the single pitch with planning permission in the Borough, I heard that families have been unable to live on this site and it has stood empty for some time. This isolated site would not cater for the needs of this extended family in any event. [41, 65 - 66]
101. Circular 1/06 states that alternatives should be explored before Green Belt locations are considered. I have taken account of the judgement in *South Cambridgeshire v SSCLG & Brown (2008) EWCA Civ 1010*, in which it was held that there is no requirement on the appellant to prove non-availability of alternative sites. All of the other gypsy sites in the Borough, with the exception of The Griff, are in the Green Belt. [40]
102. None of the sites identified by the Council appear to be suitable to meet the needs of Mr Fury's extended family and therefore there are no identified sites for Joyce Fury to go to if planning permission is refused for this proposal. The future

for the three families currently living in the garden of Two Trees Farm and that of Noah and his family would become very fragile and uncertain.

103. Dismissal of the appeal for those families would have a disproportionate effect upon their rights under Article 8 of the ECHR and this also adds a significant degree of weight to the other considerations in favour of this appeal. The interference would be less for Rose Fury as she already has a permanent pitch.
104. The lack of suitable, available, alternative sites which could accommodate the entire family group should be given a significant amount of weight in favour of the appeal for five pitches.

Education and health needs [36, 42 – 43, 68 - 72]

105. The Council has expressed concern that very limited information was provided with the planning application in relation to the personal circumstances of Jason Fury's extended family members. This was supplemented in the appellant's Hearing Statement and written evidence provided in relation to both Joyce Fury's illnesses and that of Lewis Smith. Also, more information was provided orally at the Hearing. The Council confirmed at the Hearing that they did not dispute any of it.
106. Joyce Fury has a number of medical conditions. These greatly limit her mobility, lead to excessive tiredness and cause generalised muscle and joint pains. In addition, she is currently receiving regular chemotherapy treatment. These illnesses mean that she needs regular care by other members of the family and a mobile home with sanitary facilities, as opposed to a touring caravan with sanitary facilities in a communal block. Her doctor has confirmed this.
107. Lewis Smith has a heart problem for which he has had a number of operations at Great Ormond Street Hospital for Children. His latest operation, earlier this year, necessitated a long stay in hospital. His parents stayed with him and during that time his 7 year old brother (Steven Smith (Jnr)), was cared for by the appellant's wife in their home. Following the operation, Lewis received aftercare in Oxford and at Birmingham Children's Hospital. Initially he had to go to hospital three times a week and this has now been reduced to about once a month. It is very important that he and his family have a settled base so that he can attend hospital appointments on a regular and consistent basis and have a postal address for appointments to be sent to. In addition, he takes medication and will need to do so for the rest of his life. It is important that he is seen by the same GP regularly or at least a GP within the same surgery where they are aware of his condition, his medical history and his medication.
108. Added to this, Lewis's mother (Esther Smith) is currently heavily pregnant, with her baby due in January 2012. She and her family will need support over the coming months, especially when he is away travelling for work as he regularly does. There would be a large number of adults, without any illness, to care for the sick and elderly members of the family. However, the number of carers reduces greatly when one considers that Jason Fury, his brothers Patrick and Noah and his brother-in-law, Steven Smith are regularly away travelling for work reasons. Also, younger members of the extended family group still travel for pleasure from time to time. Again, this would reduce the number of carers on site from time to time.

109. Circular 1/06 states that gypsies and travellers have the worst health and education status of any disadvantaged group in England. Both Lewis and Joyce Fury attend local hospital on a regular basis for critical treatment and care and their health needs are severe. It is likely that if the appeal were dismissed the Council would take enforcement action resulting in the eviction of Joyce Fury. It is also likely that enforcement action would be taken against the families living in the garden of Two Trees Farm. However, their situation is less pressing for the reasons I have set out above.
110. In the absence of alternative sites in the Borough, this would in all probability force Joyce Fury into a roadside existence, from where access to regular healthcare would be much less reliable. This would create huge problems for her. The health needs of those currently living within the garden of Two Trees Farm would be likely to be addressed in the short term. However, the stress of the unresolved situation and uncertain future could exacerbate the medical conditions of a number of the individuals. The ongoing health needs of Joyce Fury adds significant weight in favour of the appeal. The health needs of the remaining residents adds moderate weight in favour of the appeal, including those without medical conditions, who without a permanent pitch would find it difficult to access health care, when necessary.
111. There are three children currently residing at the appeal site who attend primary school in Wolvey, where they have been schooled for some time. The appellant explained at the Hearing that the children are settled at this school. Two teenagers receive home tutoring. While the educational needs of these children could be met from other settled sites the lack of alternative sites means that this would be unlikely. Were the appeal to be dismissed, the future of these two families' would become far less certain and they may be forced onto the roadside eventually. In the event that this did happen, the education of the five children would be disrupted. This consideration also adds moderate weight in favour of the appeal.

Other planning matters raised by third parties

Sustainability [29, 56, 74]

112. The appeal site is around 2 km from the centre of Bulkington where there is a range of local shops and services, including medical facilities. This not an unreasonable walking distance, but given the lack of a footpath between the site and the edge of the main built up area of Bulkington it is unlikely that residents would walk there on a regular basis. Consequently most trips would be likely to be undertaken by private transport. However, given the proximity of Bulkington these journeys would not be lengthy.
113. Regarding the fear of crime I have no evidence before me to suggest that the proposal would lead in to an increase in crime in the area. Concerns have been expressed about the concentration of gypsy sites in the vicinity of the appeal site. The proposal involves a small number of pitches and these would be sited well away from any members of the settled population. In these circumstances, it seems to me that the proposed gypsy site could exist peacefully with the local community. On this basis, I find that the proposal would represent a sustainable form of gypsy site development.

Highway safety [30, 57, 74]

114. The appeal site is located adjacent to a main road between Coventry and Bulkington, which could accommodate the modest increase in traffic this proposal would generate. In the vicinity of the appeal site the road is straight and good clear visibility is available in both directions for a considerable distance. Subject to the suggested conditions the proposal would not be detrimental to highway safety. The increased pressure on car parking within Bulkington would be unlikely to cause a problem given the modest number of pitches proposed.
115. Also, the Council's Highway Control Engineer raised no objection to the proposal subject to the imposition of planning conditions.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations

116. The appeal relates to 6 pitches. In this conclusion, I set out the factors which weigh in favour and against the development for 6 pitches for the extended family of the appellant.
117. Against the proposal:
- Harm by reason of inappropriateness, which carries substantial weight;
 - Harm to openness, which carries significant weight;
 - Harm to one of the Green Belt purposes, which carries moderate weight;
 - The very modest harm to the appearance of the area, which carries limited weight.
118. In favour of the proposal:
- The general need for sites which carries significant weight;
 - The personal need for sites which carries significant weight in respect of 5 pitches;
 - The family support and facilitating the gypsy way of life for all proposed residents, including the need for the extended family to live together; which carries moderate weight;
 - The lack of suitable, available alternatives to meet the need, which carries significant weight;
 - The failure of the development plan to meet the identified need, which carries significant weight;
 - The education benefits for Steven and Esther's family and Patrick and Elizabeth's family, which carries moderate weight for their 2 pitches;
 - The health benefits, which for Joyce Fury carry a significant amount of weight and for the others a moderate amount of weight.
119. Having regard to the balance of considerations outlined above the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations in this case.

Do very special circumstances exist?

120. If the appeal were dismissed the Council would be likely to require Joyce Fury to leave the site and the future for the other three families currently living in the garden of Two Trees Farm would, at best, be uncertain. With the exception of Rose, none of the extended family of the appellant has a permanent pitch and Rose needs caring for by the family. There is little prospect of the extended family finding a suitable, available, alternative site. It is likely that the family would return to an itinerant lifestyle, staying on transit sites when they are available and at other times living by the roadside. This is the type of scenario that Circular 1/06 seeks to avoid.
121. This would be likely to result in harm to the Green Belt and the countryside. They are, with the exception of Rose, local families who are likely to keep returning to friends in this area. The lack of a permanent base is likely to be very harmful to the health of a number of members of the family, who require regular treatment. It would also mean that the school age children would be less able to attend school on a regular basis and this would deprive them of a full education. If the appellant's family were to live on this site, the harm caused to the Green Belt and to the appearance of the area would be limited.
122. In the circumstances set out above, the harm by reason of inappropriateness and the additional harm identified, which would be caused by the proposal, is clearly outweighed by the totality of the other considerations. In considering the case as a whole, I consider that very special circumstances do exist so as to justify this inappropriate development in the Green Belt.

Temporary permission [46 – 48, 73]

123. If the Secretary of State is not minded to grant permanent planning permission, then it is necessary to consider whether the development should be approved for a temporary period. Such a requirement is set out in paragraphs 41-46 of Circular 01/06.
124. A temporary permission would affect the weight which should be given to the harm identified to the Green Belt. The weight to the Green Belt by way of inappropriateness would be unchanged, but that arising from openness, conflict with one of the purposes of including land in the Green Belt and the harm to the appearance of the area and the visual amenities of the Green Belt would be reduced as the development would be time limited.
125. Substantial weight should be attached to the unmet need for gypsy sites in considering whether temporary planning permission is justified. In respect of a temporary permission the Council has suggested a 3 year period. The appellant suggested that this should be a minimum of 5 years to take account of the any slippage with the DPD. The likely timescale for adoption of the Site Allocations DPD is autumn 2014, with sites unlikely to become available until 2015. Given the early stage that the Council is at with its Borough Plan, to ensure a reasonable prospect of delivery an additional year should be allowed for further slippage; planning permission should be granted to 2016. In this case there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet the need and therefore a temporary consent would be justified.

126. In these circumstances, I consider that the harm identified would be clearly outweighed by the other considerations in the short term, until the need can be met on sites allocated through the Site Allocations DPD. Very special circumstances would therefore exist to justify a grant of planning permission for a temporary period to 2016.

Conditions

127. Should the Secretary of State be minded to grant planning permission, the Schedule of Conditions appended to this Report at Annex A comprises those conditions that I consider should be imposed. Further suggested conditions relating to temporary and personal planning permission are included should the Secretary of State disagree with my recommendation. The conditions comply with Circular 11/95 *The Use of Conditions in Planning Permissions*.
128. A condition is suggested to restrict the use of the site to gypsies and travellers only, in order to ensure that the site meets the needs of that population. A condition is suggested to ensure that the development is carried out in accordance with the submitted plans, for the avoidance of doubt and in the interests of proper planning. Conditions are necessary to protect the appearance of the area and these restrict the number of caravans and their siting; restrict the number and size of commercial vehicles and control the commercial use of the site. Since the change of use of the site has already taken place a condition is necessary to ensure that outstanding matters such as drainage, external lighting, car parking and landscaping are dealt with satisfactorily and in a timely manner. In respect of landscaping a condition is also required to ensure that the agreed scheme, once implemented, is maintained. For highway safety reasons it is necessary to require the submission and provision of improved visibility splays and to prevent any gates being placed too close to the public highway.

Overall Conclusions

129. The harm to the Green Belt by reason of inappropriateness and the other identified harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. In reaching this view I have taken into account all of the other matters raised at the Hearing and in the written representations.

Recommendation

130. I recommend that the appeal be allowed and planning permission be granted subject to the conditions set out in Annex A.

Louise Crosby

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Philip Brown	Philip Brown Associates
Mr Jason Fury	Appellant
Mrs Tammy Fury	Appellant's wife

FOR THE LOCAL PLANNING AUTHORITY:

Mr Chris Kingham	Nuneaton and Bedworth Borough Council
Mr Peter Jeffery	As above

INTERESTED PERSONS:

Mr G P Bates	Local resident
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DOCUMENTS SUBMITTED AT THE HEARING BY THE COUNCIL

- 1 Copy of appeal decision Ref: APP/E3715/A/08/2081469
- 2 Extract from Regional Strategy for the West Midlands – Policy CF5 and explanatory text
- 3 Planning permissions given by the Council for gypsy and traveller sites since 2007
- 4 Extract from GTAA – pages 73 – 75
- 5 Plan showing location of nearby public footpath
- 6 Planning permission granted by the Council – Ref: 011461
- 7 Planning permission granted by the Council – Ref: 029755

DOCUMENTS SUBMITTED PRIOR TO THE HEARING BY THE COUNCIL

- 8 Council's letter of notification of the hearing and distribution list
- 9 Letter of objection dated 16 September 2011, from CN Planning
- 10 Hearing statement and appendices by Mr P Brown for the appellant
- 11 Hearing statement and appendices by Mr C Kingham for the Council

PLANS

- A 1:500 scale block plan
- B Site location plan

ANNEX A

Recommended conditions in the event that planning permission is granted, including those relevant to both a permanent and a temporary planning permission

- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 1/06.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:500 scale block plan & site location plan.
- 3) No more than 10 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 6 shall be a static caravan) shall be stationed on the site at any time.
- 4) The caravans shall be sited in accordance with the approved block plan. Any material change to the position of a static caravan, or its replacement by another mobile home in a different location shall only take place in accordance with details that shall have first been submitted to and approved in writing by the local planning authority.
- 5) No more than 5 commercial vehicles shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight.
- 6) No commercial activities shall take place on the land, including the external storage of materials.
- 7) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days, or such longer period as considered reasonable of the date of failure to meet any one the requirements set out in (i) to (iv) below:
 - i) within 3 months of the date of this decision a scheme for the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; improved visibility splays at the site access; tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; and car parking and manoeuvring areas (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
 - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

- 8) At the same time as the site development scheme required by condition 7 above is submitted to the local planning authority there shall be submitted a schedule of maintenance for a period of five years of the proposed planting beginning at the completion of the final phase of implementation as required by that condition; the schedule to make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.
- 9) No gates shall be hung at the site entrance which open within 12 metres of the public highway carriageway.

If the Secretary of State is minded to grant planning permission for a temporary period:

- 10) 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, all caravans, buildings, structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.

If the Secretary of State is minded to grant planning permission for named persons only:

- 11) The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants: Joyce Fury, Steven Smith, Esther Smith, Steven Smith (Jnr), Lewis Smith, Patrick Fury, Elizabeth Fury, Hannah Fury, Patrick Fury (Jnr) and Mark Sykes, Helen Sykes and Rose Fury.
- 12) When the land ceases to be occupied by those named in condition 11 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.