Appeals made by Mr. J. Slater ("the Appellant") under section 78 and 174 of the Town and Country Planning Act 1990 against the refusal of planning permission and service of enforcement notice by West Berkshire Council ("the LPA").

PINS Ref: APP/W0340/W/24/3346878- Appeal A - land to south of Brimpton Lane RG7 4RS

PINS Ref : APP/W0340/C/24/3351139- Appeal B - land south of Brimpton Lane and west of Blacknest Lane Brimpton Common RG7 4RS

APPELLANT'S CLOSING SUBMISSIONS IN RESPECT OF THE SECTION 78 APPEAL

1. LOCATION OF THE APPEAL SITE- the appeal site is in the hamlet of Brimpton Common. The area of land outside of the hamlet, see CD7.17 page 7 para 2.18 which refers to figure 3 1830 to 1880 OS mapping, comprises a wider area of land that prior to enclosure at the start of the nineteenth century was Brimpton Common The hamlet comprising more than 30 dwellings of Brimpton Common comprises a small community of residential development such that the appeal site within this settled community, is not isolated because Brimpton Common has a residential character.

2. POLICIES

    i. ADPP1 - West Berkshire Core Strategy 2006-2026 - true it is that one single family cannot be advanced as materially assisting the local economy but it is only the inability to say that which causes the appeal site not to be considered against the rider to ADDP 1 or perhaps the better view is that the appeal site is a near miss because it could nearly comply with the last wording of that policy if there were more pitches. This is because a single traveller pitch amidst a loosely knit community of rural housing is not inappropriately located.

    ii. CS7 - a key point is that it does not say no site will be permitted in either AWE A or B's DEPZ. Nor does TS3 nor does emerging policy DM20 say that. CS7 recognises that traveller sites are likely to arise outside of settlement boundaries. Your attention is invited to what is said under para 6.3 and 6.4 of Mr Woods's proof in relation to the relevant criteria to judge the appeal site by. The penultimate criteria require a proposal not to materially harm the physical and visual harm of the area and it is accepted that at present harm does result but it is submitted that given

time the harm will reduce to comply with this criteria. The twins at school are bound to form friendships and the children will grow up as part of the community as local residents fairly accepted in their evidence to you. There are adequate levels of privacy and residential amenity for the purposes of 5th criteria. You are invited to find that to the extent there is conflict with CS7 due to the effect of the site being felt locally that a well run properly conditioned regularised single-family site can co-exist and integrate with the settled community.

iii. CS8 - this does not say that it is the council policy that here should be a general moratorium on any new development in the DEPZ that will place an extra burden on emergency response services , nor does it say that any new development in the DEPZ that will place an extra burden on emergency response services will not be permitted. Yet that is the current practice! Allowing the appeal will not place a burden that is at all costs to be avoided on the response to an accident the risk of which is within the province of AWE A, not WB. The impression from the AWE response and from Mr Rodgers was that the MOD was supportive of WB's concern to avoid placing extra pressure on the services responsible for implementing the OSEP. The evidence shows that a proposal for a caravan site in the DEPZ would be considered vulnerable falling within the category of those who may require evacuation so placing an extra burden on response services. In strict terms this concern in the AWE consultation response is met by the enhanced requirements for the day room spelt out in the suggested conditions. The Pelican Road decision letter referred at para 19 to a recent permission for 115 dwellings close to entrance gates, to a Basingstoke and Dean decision to grant permission for a caravan site in the same DEPZ because the day room was capable of providing cover for 72 hours which would satisfy the need for a more solid building on site. Neither of those decisions were wrong and nor was the Pelican Road case wrongly decided. Nor is the permission inconsistent with the protective actions required by the current consequences report and the question remains why an even better day room wont do. The need for evacuation of house dwellers is not accepted. AWE Aldermaston is not a civil nuclear site and comparisons with the size of the Japanese disaster is entirely inappropriate and exaggerated.

iv. CS13 – this requires new developments to demonstrate good access to key services and facilities. This policy has to be read in conjunction with the PPTS and Mr Woods is right that when looked at broadly there is reasonably good access. Allowing the appeal and avoiding a life on the road would reduce the dependence on the car. Bear in mind the difficulties that the council has had in finding sites and the lack of more accessible ones.

v. CS14 - You are invited to conclude that with recessive colours , wooden cladding and well maintained and ecologically vibrant landscaping with wildlife corridors and low lighting, this site would demonstrate a high

quality sustainable design for a traveller site, in fact one of the best as the Appellant has demonstrated how very much smart appearances matter to him .It is confidently submitted that once properly conditioned the appeal proposal would make an attractive site complying with CS14.

vi. CS17 – Mr Butler maintains CS17 should carry full weight. CS17 says the degree of protection given will be appropriate to the status of the protected species and that biodiversity gains should be maximised. The Appellant is agreeing to strongly worded conditions expressly requiring necessary steps to protect bats GCN and reptiles and to introduce hedging that will clearly be an ecological enhancement. As would an additional pond or refugia if required.

vii. CS18 – this is bluntly worded- development that harms green infrastructure will not be permitted. If GI is lost a replacement has to be found locally. This policy could be applied so strictly as to prevent new traveller sites in the countryside that are not an extension to an existing site. It is the potential for it to be used to block development that PPTS and CS7 would otherwise permit, that leads to the question how a caravan site can comply and leads to the submissions set out under para 51 below.

viii. CS19- this requires you to consider the sensitivity to change and the appeal site is required to be appropriate in terms of location scale and design, it is submitted that given time the appeal site can do that, which subject to CS7 means not to cause material harm to the locality.

ix. C1 - West Berkshire Housing Site Allocations Development Plan Document- this policy is a familiar policy to constrain housing and it simply does not contemplate traveller sites outside settlement boundaries. There is a tension between this policy and the expectation that if the land use requirements of the two ethnic minority groups who identify with a caravan way of life, are going to be met, then it will involve sites outside settlement boundaries. CS7 is the most relevant policy not this one and conflict with this policy should not be held against allowing the appeal.

x. TS3- Mr Woods' point is that the requirements of TS3 have to be read in context so that where disproportionate to require a LVIA report, one will not be required as Mr Butler accepted was the case for a site he is familiar with.

3. CHANGES TO POLICY SINCE THE APPLICATION WAS DETERMINED - it is agreed that main modifications / local plan changes proposed in the review carry limited weight

4. NEW PARA 28 PPTS – this is the most significant change since the application was determined.

5. BRIEF FACTUAL BACKGROUND- if relevant to your decision you are asked to accept the Appellant's evidence that they were in residence during the summer of 2024. The attempt to undermine the credibility of the Appellant is misplaced, he has told you the truth.

MAIN ISSUES

(1) LOCATION, HAVING REGARD TO NATIONAL POLICIES, SUSTAINABILITY AND DISTANCE

6. Subject to the other issues in the case and having regard to national policies you are invited to find that being amidst a loosely knit rural community of houses, with built development in close proximity is a suitable location for the proposed development and that the particular appeal site is in a sustainable location in relation to local services and facilities.

7. The appeal site is not isolated new development in the open countryside. The PPTS recognises that many traveller sites will be in rural areas. As such it advises that local planning authorities should very strictly limit new traveller site development in the open countryside that is "away from" existing settlements. The PPTS does not seek to prevent sites in open countryside altogether. There is therefore some acceptance in national policy that sites may be located in open countryside, and these need not be strictly limited unless away from existing settlements. Affordability is relevant to suitability and the significant increased cost of securing land within settlement boundaries makes the provision of suitable sites in settlement boundaries, a tall order.

8. You are invited to conclude that it is reasonable to consider a location outside a defined settlement essential if traveller sites are to be provided. This is what emerging policy D1 does[1]. It says This is an acknowledgement of the difficulties experienced in identifying sites inside settlement boundaries.

[1] "exceptionally new residential development outside of settlement boundaries will be permitted .. the exceptions are… sites for Gypsies and Travellers and Travelling Showpeople….."

9. When considering sustainability considerations "in the round", it is recognized that a settled base has various social benefits as well as reducing both the need for long-distance travelling and possible environmental damage caused by unauthorized encampments. The other consideration is the opportunity for successful integration which should be accepted with the twins at the school.

10. The local services are within a reasonable travelling distance. See the distances at para 7.12 in the Appellant's statement of case (CD4.1 page 36) to which Mr Woods added the local shop in Baughurst. In this context the distance and duration of trips to access facilities would not be excessive, nor in terms of the number of trips given this appeal relates to the smallest scale of traveller site, comprising a single pitch. Nowadays, supermarkets also deliver food. Additionally, there would be opportunities for some more sustainable travel to locations further away by bus or electric bike. The NPPF at para 110 also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. You are invited to conclude that this is not a reason for dismissing the appeal.

(2) <u>THE EFFECT OF THE PROPOSAL ON THE CHARACTER AND APPEARANCE OF THE AREA</u>

11. Everyone agrees that it is not a valued landscape for the purposes of para 187(a) of the NPPF.

12. Views into the site from Blacknest Lane are not a reason to refuse the appeals and internal hedging would dramatically improve the appearance of the site.

13. At present these views from Blacknest Lane are not so harmful as to lead to dismissal of the appeal, after all a regularised properly conditioned single pitch caravan site is capable of being part of the fabric of a rural community as much as a dwelling or an agricultural building could be. Traveller caravans need not be hidden. It does not promote equality of opportunity to say otherwise.

14. By contrast, it is the view as you cross Brimpton Lane to the footpath and climb over the style and proceed past the pond down the footpath towards Blacknest Lane, that matters.

15. This harm to the character and appearance of the local area is recognised as particularly weighing against allowing the appeal. It is to be weighed against the importance of achieving the outcome that represents the best interests of the twins and when weighed like that, both matters neutralise each other because equivalent weight is given to each.

16. The critical question is whether the harm to the character and appearance of the local area is judged now for the purposes of para 11(d) of the Framework and s.38(6) or judged on the basis of how the site would look like once conditions were implemented and given sufficient time to take effect. You are invited to travel through both and reach your conclusion that the appeal should be allowed by taking the long view.

17. It is submitted that an accurate grasp of how the present countryside harm would reduce in the future is key to the appeal being allowed.

18. The conditions could provide for triple planting and because it is a single pitch site it would blend in over time and once an opportunity had elapsed for vegetation to grow, with a maintenance regime for replacing plants as required, then the local effect would not be untoward or render the field 'disjointed'

19. In the long term it is submitted that the adverse impacts of the landscape harm does not / would not significantly and demonstrably outweigh the weight of the material considerations and benefits relied on in support of the appeal, and the effect that is now felt locally on the appearance of the land would reduce sufficiently for the appeal to be allowed.

20. If not then the countryside harm would be reduced **if** (instead of lasting generations as might be the case with a permanent permission) the appeal site was only there for five years and it is submitted that a temporary permission is still warranted to allow circumstances to change as they would with a new local plan meeting the need assessed in the forthcoming GTAA.

21. The questions (a) whether over time the harm from a permanent permission for a small single pitch site, would reduce by reason of landscaping and (b) whether the tilted balance should take into account what it would look like once conditioned are both

pivotal to your decision as is (c) what weight to attribute to the benefits of granting permission.

22. It is to be remembered that the nature of the planning permission being sought is specifically for Gypsy and Traveller accommodation. In this regard living in caravans, including in rural areas, is a fundamentally intrinsic part of their culture and lifestyle, provided for in national planning policies and in the local Development Plan. Consequently, it is submitted that the design of the caravan painted with recessive colour and external appearance of the day room with wooden cladding external to the brick envelope, is entirely appropriate for Gypsy and Traveller accommodation amidst a small community of rural housing such as this and consistent with local and national planning policies. This is said in order to keep your appraisal of harm to the local area in its proper perspective.

(3) DEPZ - WHETHER THE PROPOSAL WOULD ENSURE PUBLIC SAFETY HAVING REGARD TO AWE ALDERMASTON -Whether or not the development would comply with policy CS8 of the current local plan (public safety in relation to AWE Aldermaston).

23. A request to be added to the waiting list for the 4 HC site in the Burghfield Common DEPZ from those now on the waiting list, would not have been entertained if allocation of a pitch there to a newcomer would be at the expense of public safety. Nor is the LPA's case that the Appellant might be offered a pitch there, reconcilable with it being too unsafe to live in a DEPZ.

24. It is impossible to rely on the contents of the OESP in the absence of a copy of what it says. You don't have to decide that public copies should be available but you do have to decide about reliance on a document that you and the Appellant have not seen.

25. The issue of public safety is to be kept in perspective. The reality is that the risk of an accident is very low and should one occur protective actions as required by the consequences report can (because of the conditions that can be imposed) and will be taken.

26. It is against national policy to argue or conclude that it is too unsafe for people to live in the DEPZ even for the period of a temporary or even a Gound G appeal. Reasonable steps to ensure public safety are taken by ensuring that the protective actions in the consequences report, can be taken.

27. Moreover, the LPA are re-opening a caravan site at Four House Corner instead of re-locating it after its shut down- which cannot be ignored, nor can the fact that the LPA would suggest, see Ms Willett's proof, the Appellant moves to the Paices Hill site, even closer to AWE Aldermaston, so the concern over public safety is not such as to weigh against allowing the appeal, otherwise it would be wrong to re-open the 4HC site.

28. The future operation of the nation's nuclear weapons establishment at Aldermaston will not be undermined by allowing the appeal. Far from it. The concern is that further permissions will increase the burden on the LPA's arrangements for emergency response to off-site radiation. One could understand that more and more schools that would have to be bussed out or other vulnerable users on the doorstep of AWE none of whom could comply with the required emergency protective actions in the event of a radiation plume, could in theory, reach a stage which brought into question the continued presence of a nuclear weapons facility, but that isn't happening and is not this site. Those on the appeal site can comply with the required emergency protective actions. The conditions attached to the Pelican Road decision, and the conditions advanced on behalf of the Appellant in the appeal before you mean that because the emergency protective actions stipulated by the consequences report are feasible, safety of the site residents is properly addressed, and the appeal should not be dismissed for this reason.

29. The *Crest Nicolson* case, R6 SofC App 6-3, CD4.11 page 177, that reached the High Court in February 2021, that the R6 party refers to, concerned a challenge to the justification for a new extended DEPZ around the Burghfield AWE that extended over 7000 hectares of the Claimant's land. The question was, see para 102, whether the rationale for the extended zone was adequate. The challenge failed on the basis that the public was provided with the requisite information. Paragraphs 9 to 32 inclusive of that judgment describes the legislative framework that is generic to both Aldermaston as well as Burghfield.

30. Para 15 at the bottom of page 4 of the judgement recites the requirements of para 3(a) of part 2 of schedule 4 of the Radiation (Emergency Preparedness and Public Information) Regulations 2019 ('the REPPIR Regs') which requires, as a matter of law, a consequences report to spell out the recommended urgent protective actions to be taken within what we have been referring to as the DEPZ. Para 17 of the Judgement makes the accepted point that is for WB to determine the boundary of the DEPZ which runs down the road outside the appeal site even though the appeal site is outside the UPA – which is AWE's setting of "the minimum distances to which urgent protective action may need to be taken"- see again para 15 of the judgement and sub para (b).

31. You have the consequences report, CD7.9 page 79 internal page 3 para c- electronic page 81 stating the protective action that people should take. Mr Woods was taken to this particular paragraph because it sets out the emergency protective action that AWE, as a matter of legal requirement, has to decide should be taken.

32. House dwellers are not all required by the consequences report, to evacuate after 48 hours. If that was necessary the report should say so.

33. If one of the conditions of allowing the appeal is a condition that a day room purpose built with the DEPZ in mind, with a landline and all essential living facilities, capable of self-contained living as any house would be, then the Appellant should not be considered occupying vulnerable accommodation. His household is in no different position to the settled population.

34. With the appropriately built and designed day room the residents of the appeal site can equally well comply with the emergency protective actions that the consequences report requires to be taken, as those in the houses surrounding them.

35. The premise to Ms Richardson's evidence and the LPA's case that allowing the appeal would place extra demands on the emergency response services to a radiation leak, so therefore the appeal should be dismissed is premised on the site residents being in a caravan in which the protective actions could not be taken. Moreover, the said premise to the case is not reconcilable with the reasoning and outcome in the Hollies decision letter.

36. Households with only have a caravan to live in would be vulnerable, that was the basis of the Pelican Road decision and is accepted. The very low likelihood of a radiation leak may explain the LPA's justification for allowing the conversion of transit pitches into new permanent ones at Paices Hill without available day rooms to take the recommended protective actions of "go in stay in and tune in" .

37. The claimed advantage of permanent residents knowing what to do (as against a newcomer to the area on a transit pitch) is worthless, or a hollow justification for the permission, without a brick built day room with essential living facilities for the recently permitted permanent residents to use in order to "Go In, Stay In And Tune In."

38. The Pelican Road decision does withstand scrutiny in the light of subsequent changes in REPPIR because the required protective actions have not changed and "**no change**" to the Aldermaston AWE consequences report following the REPPIR 19, was recently approved –CD7.9 at page 97. Since the required protective actions have not changed what was done there, can also be done here. It is unfair not to.

39. It must also be noted that the LPA's unwritten policy of refusing any permission (except when it suited them and it was a choice that the LPA had when granting the recent Paices Hill one) because it would place an undue burden on emergency response services, is not the written policy which is to consult. The burden of the AWE consultation response in Inq Doc 4 is that the site is within the DEPZ. The very low likelihood of a radiation leak, the very strong emphasis placed on AWE A to contain any leak within the site, coupled with the strongly worded condition that the Appellant suggests, when added together, means that the required protective actions can be taken. It is not been shown that Mr Slater and his family would have to be evacuated nor that every house dweller in the DEPZ would have to be evacuated.

(4) THE PROPOSAL'S EFFECT ON ECOLOGY

40. The officer's report records that the applicant has been requested to submit a stage 1 PEA and one was done. So we now know that the land may be one of habitat importance to bats, reptiles and to greater crested newts, those habitats can be sufficiently protected by the conditions which are advanced by the Appellant as overcoming the objection. A requirement for additional or updated surveys is not unheard of. A new pond for greater

crested newts may be suggested if as Mr Greenslade said, the presence of GCN was confirmed and it was deemed appropriate to do so.

41. Your attention is invited to the two decision letters from which suggested conditions have been borrowed by Mr Woods. The Huts decision letter is at document (CD7.12 (BWoods P of E Appendices page 76) and the condition from that decision is set out under para 6.50. The Lawn Hill decision letter referred to at para 6.53 of Mr Woods' proof is at document CD7.12 page 109 with a copy of the mitigation plan at CD7.12 page 120, which you are asked to read.

42. No trees have been removed. Ms Allen refers to the hedge along Blacknest Lane being "leggy" a phrase that is used because it was thinner in places as you will have seen. The planting of hedging on the appeal site, without it being so oppressively wide as Ms Allen suggested, will, if it is planted three rows deep, still significantly exceed the amount of hedging that was in the path of the access, that was removed, shown in the auctioneer's photo. In that sense Mr Greenslade was right to agree that if the appeal was allowed that the intended additional hedging would be an ecological enhancement.

43. It would not be unlawful to grant permission subject to a condition that satisfied you any harm to protected species can be adequately addressed. You have heard from Mr Hawker that GCN were recorded as being in the pond in the back garden of one of the nearest properties. The land in between has been used for grazing so was the appeal site. There are roads, one carrying Aldermaston traffic between the appeal site and other ponds in the locality which reduces the extent to which the appeal site would interfere with any newts from those ponds. Should Greater Crested Newts be identified in the closest ponds, then a mitigation strategy can be implemented. The hedging instead of the close boarded fencing on the boundary will increase the habitat and routes around and past the appeal site for any Greater Crested Newts and the appeal site can accommodate a refugia and if advised a pond, that Natural England's advice says should be considered.

44. Bats can be adequately catered for by the suggested condition. That was what Mr Greenslade said. The site would be no different to surrounding houses (or better) in that

respect once lighting on the site is conditioned so that there is only softer lower lighting with cowls over the lamps so they shine down, not up.

45. The attempt to distinguish the Lawn Hill decision letter is mistaken. Para 1.3 of the lawn hill Mitigation plan at CD 7.12 page 120, in that case shows there was a pond with Greater Crested Newts but knowing of the likely presence of GCN, still the appeal was allowed because of the strongly worded condition. If that can be done there, then it can also be done here. It is unfair not to.

46. One is tempted to speculate that if there was a GCN in the nearest pond the R6 party would have found evidence of them and said so. But they haven't. The surveys that the condition requires will delay commencement of works. The LPA's reason for refusal was that the application was not supported by sufficient information in the form of a detailed ecological survey that would have been necessary for the LPA to fully consider avoidance, mitigation, compensation and enhancement measures appropriate for the development and whether there are any protected species and / or their habitats on the site. In the light of the evidence and argument that you have seen and heard it is submitted the proposed condition does show that the development could be carried out without any further adverse impact on protected species and / or their habitats.

47. If you begin by deciding that there may well have been damage to the local GCN population that does not mean the site is unsuitable for the proposed development provided there is a sufficiently strongly worded condition to ensure that if GCN are found, that best practice is adhered to and provision is made to protect them.

48. You are invited to conclude that the appropriate mitigation and compensation measures, if any are required, can be implemented to ensure that protected species are not adversely affected.

(5) THE PROPOSAL'S EFFECT ON GREEN INFRASTRUCTURE

49. The problem is that if read literally any element of detraction occasioned by the change of use from green infrastructure to residential use for a single pitch travellers' caravan site, will trigger conflict with this policy. In the Lawrences Lane decision letter attached as App 2 to the letter of appeal to PINS dated 30/08/2024 CD4.2 at page 20 – the same

decision is at in R6's SofC @ App 6-1-1 ; CD4.11 at page 94, see para 47, the Inspector adopted an approach which reflects the stance taken in the present appeal in the opening statement on behalf of the Appellant, that Green Infrastructure Impacts are in effect a concern over the effect of allowing the appeals on the land it occupies.

50. The Inspector in that decision said that the harm he identified to the rural character of the appeal site and the changes that members of the public would experience from the lane and from public rights of way was already reflected in his consideration of the effect of the proposal on the character and appearance of the area, so he said that he found the thrust of policy CS18 to be subsidiary. You are invited to share that view or if you cant, to give limited weight to conflict with CS18.

51. Given the terms of the policy it is not disputed that the appeal site can be considered green infrastructure and given that strictly speaking there is no avoiding conflict with the policy, then the issue becomes one of weight and it is submitted non-compliance with CS 18 should not be regarded as determinative either way. It would be counting the weight to be attached to the harm to the local area, twice- even if allowing the appeal would be contrary to both policies. No more additional weight to the matters weighing against allowing the appeal should be added by reason of this subsidiary matter.

52. You are also asked to bear in mind that once conditioned there will still be a rural feel to the openness to the land/ green infrastructure that the site forms a part of, given the hedging and different boundary treatment that the site development scheme and landscaping is designed to achieve. That is a further reason for giving the conflict with CS18 limited weight.

53. Giving limited weight to the proposal's effect on green infrastructure for the reasons set out above is also supported by the problem of the ambit of the policy and its strict terms and how that is to be reconciled, as it must, with (i) an expectation that traveller sites will be found in rural locations; and with (ii) the positive obligations public authorities have to facilitate the Gypsy way of life.

54. If the definition of green infrastructure is so all encompassing and if a caravan site on green infrastructure that would detract from it, cannot be permitted, then where else

should such sites go? On land that is not green infrastructure might be the answer, but there is no telling where or how that can be found.

(6) HERITAGE ASSETS- THE PROPOSAL'S EFFECT ON THE LISTED LANE END COTTAGE, ON ARCHAEOLOGICAL REMAINS AND ON THE SCHEDULED MONUMENT AT BELL BARROW

55. The R6 party is concerned that items of archaeological interest, being remains from potential previous settlement on the land in connection with the presence of burial mounds in the vicinity, will be found. The Appellant points out that very little disturbance is required for the development to take place from shallow foundations or laying of a plinth base for the day room to be built on. However, the Appellant accepts that in order to ensure retention of any archaeological remains revealed during siting of the day room, a suitably worded condition that he has suggested could be used and that such a condition will not nullify the permission, if any item that is found can be removed. If one was found it would be a bonus to understanding the history of the area. You are invited to conclude that there is no real relationship between the proposed development and Lane End Cottage nor with the Burial Mounds and find as a fact that the appeal site is not in the setting of either. Most importantly you are invite to conclude that the listed building will be preserved and the Bell Barrow scheduled monument would not be harmed if the appeal was allowed.

(7) MATERIAL CONSIDERATIONS

56. Turning circle - see App C to the Motion highways technical note containing the swept path analysis attached to the letter submitted with the planning application from WS Planning dated 01/12/23**.** The LPA satisfied itself that the access was adequate for the swept paths of larger vehicles. The cross examination on the issue of the touring caravan space that was put to Mr Woods took a thoroughly bad point because the actual caravan would take less space than the one shown on the tracking.

(8) INTENTIONAL UNAUTHORISED DEVELOPMENT

57. See pars 6.67 of Mr Woods proof that makes the point about the planning system contemplating retrospective applications. This is a factor that has been regarded as relevant to this issue by other Inspectors. You are also invited to share the view that to treat the issue as determinative or significantly contributing to dismissing the s.78

appeal would be punitive, like saying “you can’t have planning permission, because you didn’t get it before you moved on”. That is not the law and it was not unlawful. The stop notice was complied with and no enforcement notice was served at that time. The appellant applied for planning permission and there has been no permanent harm that is not remediable.

58. Para 4.14 and 4.15 of the Appellant’s PEA says that there is a risk that construction of the site could have been harmful to GCN and an offence likely if the species were present in pond 1. The fact there is no ruling out of that possibility is relevant to the issue of what weight to attach to intentional unauthorised development. Any suggestion that a criminal offence was highly likely puts the case too high given the absence of evidence of GCN in the nearest pond and due to the effect of the pony on the land, and on adjacent land between the site and the house nearest the site with a relevant pond, before the site was developed.

59. The PEA recorded that the habitats within the site were not ‘Priority Habitats’. Assuming the correctness of the R6 party’s evidence of GCN in one of the two ponds closest to the site (see Mr Howker’s figure 4 -photo of small pond in left column 2nd row down) then the professional view is that those newts may have used “ some areas within or adjacent to site during the terrestrial phases of their lives” though there was no evidence concerning the nature of the boundary to that private garden where the GCN were recorded by the local residents.

60. The Ermin Street decision narrates the LPA’s failure to make any earlier allocations to the ones now proposed to be adopted in 2026. Not one. At para 6.64 Mr Woods links the lack of enough pitches to the fact the Appellant went onto the land. A five year supply was meant to be in place within 12 months of the publication of the NPPF and the PPTS in 2012 and thirteen years later the council is still to do so. The fact that historically this LPA did not follow Government advice, is relevant to the weight to attach to this consideration. Lack of sufficient locations identified in the local plan where a fresh application for a small private site would meet with approval results in travellers being unable to find a place they know a new site will be considered to be in a suitable location. Since 1994 successive governments have intended that there should be a level playing field with plans that identify locations suitable for a planning

application for small private provision. The LPA's failure to follow government advice cannot be said to be irrelevant to the Appellant's lack of options and the very real dilemma he faced.

61. You are invited to only give limited weight to this matte also because the Appellant's case has mitigating circumstances owing to the history of previous stopping places and the needs of the children.

(9) PRECEDENT

62. The R6 parties refer to this matter in para 9.30 to 9.37 and 12.9 of Mr Smith's proof, because of subsequent planning applications, in relation to which there would be commonality of main issues. It is said in para 9.35 that the council's decision in relation to plot H raises objections consistent with this appeal before you. But that decision has already been taken and there was no appeal, so how could your decision have a precedent effect in relation to plot H when no decision is pending? Any fresh application would, subject to the planning history, and if not declined under s 70A, turn on the character and appearance of the area.

63. It is impossible for any putative applicants in relation to plot H to carry your assessment, assuming the appeal is allowed, of this proposal's impact on the character and appearance of the area across to the facts of their case and then say that forecloses a fresh decision maker reaching a different conclusion to you. It just does not follow.

64. That is so obvious it goes without saying when what is proposed is different, the relationship of the land, which in the case of plot H is immediately bordering the footpath, and so its distance to the footpath is different and the appeal site before you lends its self with its greater distance from the footpath to a different outcome to the appraisal. There can be no precedent in that regard.

65. There is no basis for suggesting the privately owned land comprising what is termed plot F on which a house was applied for, would once this appeal is allowed be the subject of an attempted copycat application for permission for a travellers site. If it was then the different location of that land immediately bordering the footpath so cutting off any views to the right and the difficulty in respect of providing the required splay

lines, (assuming the important roadside hedging beyond the pond is not owned by him and could not be removed by him, see reason for refusal 4) would be considered on the merits of that individual case bearing in mind its access is onto the significantly busier Brimpton Lane.

66. The fact the application by a different owner for equestrian use and access on plot E was refused because it was regarded as a precursor to an application for a traveller site, would if assumed to be true, which is not evidenced so you are unable to decide that, mean that the owner of plot E might think he could try and piggy back on your decision and get approval , but he would be very wrong. Your decision would mean no such thing. The important point is that the relationship of that piece of land, fronting onto Brimpton Lane as it does would raise different considerations. Your decision would not be a tramline to any subsequent application in respect of any of the plots and of course assuming a presumption of regularity when the increased need identified in the forthcoming GTAA is provided for in the new plan, there will be a different balance of factors so shutting down reliance on need.

67. The *Rumsey* case at R6's SofC App 6-6 -CD4.11 page 220 - concerned a fear of the precedent effect of allowing the individual appeal regarding an extension to a bungalow because the cumulative enlargement of many other dwellings in the AONB would be detrimental to it. The Inspector decided that if planning permission was granted then it would make it more difficult for the planning authority to resist similarly large extensions and so planning permission was refused. The Claimant's challenge against that decision was dismissed because the Inspector's approach was not baseless. At para 14 of the inspector's decision set out on page 468 of the report it was decided that the extension would be in conflict with the local plan. The policy is described in para 9 on the next page of the report as

"**the explanatory notes to the policy identify the objectives .. of avoiding ever-increasing numbers of smaller dwellings being enlarged"**

68. The Court went onto identify in para 15 on page 470 of the report why the Inspector's decision should be upheld because of the number of smaller properties in the area who could argue that it was insufficiently harmful to warrant refusal.

69. In contrast on the facts of this appeal, there is no policy of preventing ever increasing number of traveller sites that allowing the appeal would frustrate and make difficult to apply. You would not be weakening the planning authority's hand in refusing any application on adjacent land because of different circumstances of that case. It is not like the facts of the *Rumsay* case concerning similar sized extension to existing smaller buildings where there is a policy of avoiding an increasing number of them.

70. Allowing the appeal in this case does not mean it will make application of policies for protection of the countryside more difficult to apply. The context will be different. The planning authority's reliance on CS17,18 and 19 or emerging SP8 relating to landscape character in any subsequent application for permission for a travellers site on the same parcel- will not be weakened.

71. The Smithy Fen case at R6's SofC App 6-7 concerned a gap between authorised sites that the planning history showed was under great pressure and needed to be kept clear of any developments. The facts of the *Holland* case also referred to by the R6 party, concerned a finding that use of a dangerous junction would not be acceptable by 16 plots even if for one alone, it would not materially increase the danger. The important point is the finding that there was no material difference between 4 of the plots and it was the cumulative impact of the other 12 plots at Greenacres who would also be using the same junction, that was in issue. So obviously that case is confined to its own facts. See para 11 of the judgment, para 97 of the Inspector's decision, which was upheld. It should be distinguished. A strong precedent in that case that would make it very difficult to resist the Greenacres plots is not something that can be shared with the applications that have not been put before you. You are not judging other parcels of land made but you do know because you can see the different relationship to the footpath plots F&H would have and the different considerations arising out of fronting onto Brimpton Lane (and highways) that plots E & F would have. Those different features don't apply to the appeal site.

72. You are invited to conclude that the land this appeal site is on can accommodate the appeal proposal without unacceptable harm and can be appropriately developed without foreclosing the ability of the LPA to refuse subsequent applications because of the

harmful effect they would have on the character and appearance of the area. There is no weakening of policy by allowing the appeal.

(10) THE LEVEL OF UNMET NEED IN THE AREA

73. Sub regional need is reflected by the fact agreed by Ms Willett that consultation responses from adjacent authorities to the LPA's local plan review draft traveller site policy was that they had no capacity to assist pursuant to the duty to co-operate.

74. There are several preliminary points to make, which you are invited to agree-

(i) No pitch was provided to meet the cultural need for 20 pitches by 2022/2023 identified in table 7.3 of the 2019 GTAA at CD3.7 page 45

(ii) The only new provision has been pursuant to the appeal at Ermin Street, which is a personal permission and the two pitches permitted at Enborn Row.

(iii) Historically there have been two caravan sites at Paices Hill. The assessment of Paices Hill residents referred to under para 5.13 of the 2019 GTAA is of the Old Stocks Farm marked as Priv 1 on tables 3.1, 4.4 and 4.1, not of the New Stock Farm residents on the then transit site (who we now know were long standing residents).

(iv) Undercounting in assessed need is apparent from the failure to assess the accommodation needs of the long-term residents of the eight pitches on the former transit site, which were also subject of the planning permission in Inquiry Document 5. The 2021 GTAA table 4.5 at CD3.8 page 25, refers to households on 3 pitches at Priv 1A and at para 6.14 recommends a change of use of 8 transit pitches to 8 residential ones for existing family members but those on these recently allowed 8 new pitches have not been interviewed because no recent GTAA has been done.

(v) There is a potential further "column" of unassessed need reflected in the 18 refused planning applications which Ms Willett referred to. The Applicant is part of this column.

(vi) Unassessed needs are also apparent from the history of unauthorised encampments referred to in para 6.20 of the 2019 GTAA at CD3.7 page 35. Additionally, the extract from the caravan count Inq Doc 11, shows recent presence of unauthorised caravans in the district. The fact that there are unauthorised caravans on unspecified sites is an agreed fact, as reflected in the caravan count figure. Mr Woods told the Inquiry that WS planning requested information about where these unauthorised caravans are but got no response.

(vii) Everyone agrees the decanted 4HC tenants were not assessed in the most recent GTAA and the 2021 assessment referred to that gap This unassessed need amounts to **a significant gap** in the evidence base for the review of the local plan and the Inspector, Mr Fieldhouse seems not to have been told of this. Both the Ermin Street decision at para 45 attached as app 4 to Mr Woods' proof and the Lawrences Lane decision para 100 referred to this gap in the data but with respect both decisions wrongly went onto refer to a small residual need without qualifying the true position which was that this residual need/ the figures from the 2021 GTAA had known gaps in them derived from not just the unassessed needs of those at 4HC but also from the unassessed needs of those long term residents on the 8 pitches subsequently granted permission in 2022 at New Stocks Farm

(viii) Undercounting in assessed need is apparent because those **on the 4HC waiting list**, see Inq doc 13, have not been counted/ interviewed and the Inspectors in the Ermin St and Lawrences Lane do not refer to those on the waiting list for the 4HC site.

(ix) Under table 7.2 on page 44 of the 2019 GTAA it was suggested that there could be a future pitch requirement for 8 pitches from 17 children. Applying that sort of calculation if there was even only 1 child per household from all the decanted 4HC site residents with a right of return, see Inq Doc 13 and if there was only 1 child per household from the longstanding residents on the transit pitches at

New Stocks Farm that were allowed in 2022 , then the pitches for expected new family formation would be well into double figures. Over the next five years there may be new family formations from teenagers residing on the recent permissions at Ermin St and Enbourn Row still to be assessed too.

(x) Under the heading "**Meeting future need"** at paragraph 3.33 of Ms Willett's proof the LPA say that the pitches at the former transit site at New Stocks Farm can be counted on the supply side as going towards meeting the need for permanent pitches. The New Stocks Farm one was a transit site but the warden's extended family became long term residents there and this was an agreed fact before you as was previously recorded in para 45 of the Ermin Street appeal decision. The permissions granted on 30th September 2022 for pitches already occupied by existing residents cannot be counted on the supply side or as providing pitches for meeting future need, as Ms Willett describes, because they are not empty.

(xi) There are therefore 8 less pitches than the Council say are available for meeting future need. Or rather any of the 8 newly regularised (previously permanently occupied) pitches at New Stocks Farm Paices Hill cannot be acquired and moved onto by the Appellant or any of the numbers assessed as being in current need of a pitch. They are not available.

(xii) Therefore, it is wrong to suggest that 8 of the not fully assessed need for permanent pitches in the 5 year period are provided by the already occupied and unavailable pitches on the New Stocks Farm at Paices Hill.

(xiii) The fresh GTAA will be done once 4HC is re-opened and in full residential use to enable the residents needs to be assessed. But those with the right to return could have been assessed in 2021. Those on the waiting list have presumably supplied their current address or contact details. As Mr Woods told the inquiry there was no reason to delay the GTAA for the 4HC site to be re-opened. The duty in section 8 of the Housing Act 1985 to periodically assess needs is as and when required. It was wrong to suggest in cross examination of Mr Woods that the shelf life of the 2021 GTAA has not run out because it is less than five years since then, when the need for a fresh GTAA has been know about since the 2021

GTAA did not interview people. The 2021 GTAA did not meet the duty to properly assess accommodation needs when there was a known gap in the data, an explanation for this significant omission perhaps might have been that it was thought that it would not be long before the site was reopened and a fresh GTAA done.

75. These preliminary points propel arriving at the following modest conclusions that you are invited to reach :

(i) West Berkshire cannot demonstrate an up to date five-year supply due to the need for fresh assessment of the various strands of unassessed need which are evidenced before you and identified above

(ii) The current need is unknown, but it cannot be marginalised given the failure to assesses the need for pitches to meet new family formations, those on the waiting list, rejected applications and some of these unassessed needs will be long standing because the first new pitches came in 2022. There is also a sub-regional need

(iii) The intended delay in carrying out the fresh GTAA will mean that the new family formations from previous residents of the 4HC site who began to be decanted more than six years ago will not be met until near the end of the decade, this means unmet need should attract substantial or very significant weight because it is a need the council were told about in 2021

(iv) There is a strong public interest in general unmet need being met- that means this is a strong factor to be counted as a benefit under para 11(d)(ii) of the NPPF

76. Where you might part company with the Appellant, only because you might feel it is unnecessary to your decision, is over the following submission but nevertheless it is respectfully advanced as correct :- The appraisals of unmet need in (a) the 2021 GTAA, (b) by the Inspector in the Ermin Street decision, (c) by the Inspector in the Lawrences Lane decision, (d) by the LPA in its responses to the questions from Inspector

examining the soundness of the local plan review and (e|) by the LPA in its evidence to this Inquiry are all with respect incomplete for not qualifying the amount of pitches needed by two important riders (1) this figure of need for pitches going forwards is less the need for pitches to cater for new family formations, from those on the waiting list and others expected to feature in the forthcoming GTAA; plus (2) it is wrong to count all 8 new pitches at New Stocks Farm on the supply side, since there will be no available pitches there because existing occupiers have been long term.

(11) SUPPLY

77. The lack of a fresh GTAA when it is overdue for recognise reasons means the council cannot demonstrate an uptodate supply, in fact supply may be eight years late if a new local plan has to waited for. The council is proceeding towards adopting inadequate number of allocations in the new local plan review not based on robust data but based on date with a known gap in it - this is policy failure because those intended allocations would not provide sufficient sites for future needs particularly for new family formations from long term residents of 4HC outstanding since 2021 and from new family formations from long term residents at New Stocks Farm.

78. The inability to demonstrate a five year supply is not excused by the stance that we were waiting for 4HC to be re-populated - Mr Butler indicated it might be done in stages (in August 2022 the Ermin St inquiry was told it would by finished by March 2023) , when there is a statutory duty to assess needs as and when required, which was along time ago.

79. The delay in re-opening 4HC and in doing the fresh GTAA mean very significant weight should be given to the lack of a five year supply because it unlikely to be provided by the allocations in the local plan review

(12) LACK OF ALTERNATIVE SITES

80. The reason why this is such an important material consideration is because it affects the consequences for the appellant and his family if the appeal is dismissed. Different planning inspectors have found that continuity of education, when you don’t know if

your caravan will be in the same place at the end of the school day, gets interrupted by a roadside existence.

81. It is far more likely than not that the Appellant was truthful on oath, you are invited to accept his evidence as a witness of truth and to accept that the history of previous stopping places punctuated as it was with accounts of attending A & E for childhood illnesses for want of an address, is authentic and that history of stopping places is what they would go back to if the appeal is dismissed.

82. The brute fact is that the 'family based solution' advocated by the R6 party to the Appellant's homelessness, that is Mr Black's site at Headley Road , is not available to the appellant, the land has not been developed as a caravan site, it is rough ground and it does not belong to the Appellant to develop. That is all that needs to be said on the subject.

83. Those with a right to return added together with those on the waiting list mean that the 4HC site is over-subscribed and the Council's unassessed future need for more pitches will not be met by the already taken pitches at Paices Hill, 4HC, Ermin St or Enborne Row. The Council are deluding themselves into thinking these sites are available to meet future needs. They are already spoken for. There are no known alternative sites in the council's district and that will remain the situation until allocations geared to meeting the need found in the forthcoming GTAA are made with the adoption of the new plan in some four or five years time.

(13) HEALTH NEED

84. There is a strong pubic interest in avoiding roadside encampments and in health need being met with health checks and conditions being monitored and treated without using A&E including the Appellant's medical condition. Health need for the site by contrast with what would happen if the appeal is dismissed is an important material consideration , in fact there is a strong public benefit in health care being appropriately available

(14) BEST INTERESTS OF THE CHILDREN

85. Your attention is invite to the authorities bundle and to the 2nd , 3rd and 4th case, *ZH, Zoumbas* and *AZ. The* principle was set out in clear terms by Lord Kerr in ZH at para 146 which you are asked to apply;-

"This is not, it is agreed, a factor of limitless importance in the sense that it will prevail over all other considerations. It is a factor, however, that must rank higher than any other. It is not merely one consideration that weighs in the balance alongside other competing factors. Where the best interests of the child clearly favour a certain course, that course should be followed unless countervailing reasons of considerable force displace them. It is not necessary to express this in terms of a presumption but the primacy of this consideration needs to be made clear in emphatic terms".

86. *Zoumbas* at para 10 is to be applied :-

"(1) The best interests of a child are an integral part of the proportionality assessment under article 8 of the Convention; (2) in making that assessment, the best interests of a child must be a primary consideration, although not always the only primary consideration; and the child's best interests do not of themselves have the status of the paramount consideration; (3) although the best interests of a child can be outweighed by the cumulative effect of other considerations, no other consideration can be treated as inherently more significant; (4) while different judges might approach the question of the best interests of a child in different ways, it is important to ask oneself the right questions in an orderly manner in order to avoid the risk that the best interests of a child might be undervalued when other important considerations were in play; (5) it is important to have a clear idea of a child's circumstances and of what is in a childs best interests before one asks oneself whether those interests are outweighed by the force of other considerations; (6) to that end there is no substitute for a careful examination of all relevant factors when the interests of a child are involved in an article 8 assessment; and (7) a child must not be blamed for matters for which he or she is not responsible, such as the conduct of a parent"

87. The Supreme Court added at para 13 in Zoumbas " Moreover in the H (H) case [2013] 1 AC 338, para 145, Lord Kerr JSC explained that what he was seeking to say was that **no factor should be given greater weight than the interests of a child**. See the third

principle above." (emphasis added on behalf of Mr Slater). The interests of the child are just as important as the effect felt locally of the appeal being allowed. The impact on the local character and appearance of the area will soften over time and a well regularised site can over time, blend in.

88. The 7th principle set out under para 10 of the *Zoumbas* case means that when looking at the interference with the children's right to respect for their ability to grow up in a safe secure home and when having regard to the strong public benefit in Romany Gypsy children being educated the weight you attach to that in the overall balancing exercise is not to be reduced by reason of the parents IUD/ moving onto the land without planning permission to do so

(15) HUMAN RIGHTS

89. So often article 8 seems to follow the event of the planning balance, rather than being seen as integral to the balancing exercise and added as a material consideration substantial weight, see the Wychavon case at para 21 and 44 that weighs of in favour of allowing the appeal. The Inspector in the AZ case having said that "the dismissal of this appeal would be likely to result in the appellant and his wife and son having to vacate the land. The land is already the subject of ENs and the Council has previously instigated legal proceedings against AZ for his failure to comply with the ENs. The land is their home and the loss of their home would clearly impact upon their rights under Article 8", went onto conclude that

> "Their Article 8 rights are clearly engaged and carry significant weight"

90. This is use of a decision letter to illustrate how a different inspector interwove Art 8 into the substantive decision, you are invited to find that Art 8 is engaged and that such an extreme interference with those rights as not being able to go anywhere else but the roadside, as explained in the Wychavon case, merit significant weight. It is a modest and clearly correct submission. It further adds to the balance of factors weighing in favour of allowing the appeal rather than being broached after deciding whether or not to allow the appeal.

(16) EQUALITY ISSUES -

91. The Equality and Human Rights Commission's Technical guidance on the Public Sector Equality Duty: England is relied on because there are Equality issues derived from protected characteristics of race

92. It is submitted that one or more aims of the duty have been identified as being relevant to your decision and that is because (a) of inequality of opportunity for members of an ethnic minority with no lawful stopping place to go to; (b) the extract from the CRE's common ground study , see the last page, the vicious circle, at item 1 in A's bundle of authorities, that revealed that want of a lawful stopping place leading to roadside encampments risks engendering stereotyping and hostility towards travellers shown by the settled community (that then stiffens opposition to regularised provision) . This all means that there are race equality implications to your decision. It is submitted that there is a public interest in eliminating Travellers receiving an inferior level of service provision evidenced on the facts of this case by the lack of effective planned provision; and the race equality implications means very sharp focus should be given to see if the adverse effects of a dismissal of an appeal can be averted by use of conditions even a temporary permission.

TILTED BALANCE

93. The appeal should be allowed because the risk of an accident resulting in radiation escape from Aldermaston is very low and also because the level of harm to the character and appearance of the area caused by the site once conditioned would be less than it is now and that harm is outweighed by other considerations. The Council cannot demonstrate a five year supply of pitches and with regards to NPPF paragraph 11(d)(ii), you are invited to conclude that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.

94. The benefits include the :-

    (i) Public interest in achieving the outcome that is in the best interests of the twins

(ii) Public interest in avoiding roadside encampments and the race equality implications they carry with them, see s.149(1)(a) of the EqA 2010

(iii) Public interest in meeting general unmet need to provide pitches for meeting the land use requirements of minority ethnic groups with a particular accommodation need

(iv) Public interest in healthy outcomes that allows access to medical care

(v) Putting into practice section 149(6) of the EqA 2010 by furthering the public interest in promoting equality of opportunity for the Appellant and his wife to have a safe and secure home in which to bring up their children which is restricted by difficulty of knowing where in the district an applications would meet with approval , the sub regional need and their personal lack of any other lawful stopping place to go to.

95. WHETHER THE MATERIAL CONSIDERATIONS RELIED ON BY THE APPELLANT OUTWEIGH CONFLICT WITH DEVELOPMENT PLAN

96. Through pressure of time you are referred to the list set out in the opening statement and asked (1) to agree that they each are material considerations and then to decide (2) that when clubbed together they clearly overwhelm the weight you attach to the harm to the character and appearance of the area and to associated conflict with local plan policies; (3) to decide that the weight of material considerations means justifying departure from development plan policies and allowing appeal A on a permanent basis.

97. In the event that you decide that being in the DEPZ is a reason for refusing permission because contrary to A's case you find that the family would actually place an unacceptable burden on the OESP and even though this case only concerns one family and even though this is not what the local plan says- you conclude that there should be a general moratorium on any new development in the DEPZ that will place an extra burden on emergency response services , it is nevertheless submitted that because of the very low likelihood of an accident occurring this allows for a time limited permission until 2029 pending adoption of the new local plan when the unassessed needs including those of the appellant's family, will be provided for.

APPELLANT'S CLOSING SUBMISSIONS IN RESPECT OF THE ENFORCEMENT NOTICE APPEAL

98. Since the former field shelter was a building used as a day room by the time the enforcement notice was served, and the authority could have seen that was the case had they gone and looked and since the building is different to a field shelter , there is no scope to adopt the argument that the shelters referred to in the notice included the day-room. Since no ground A appeal is possible, amendment of the notice to include the building, is more prejudicial to the Appellant than would otherwise previously have been the case. Not being able to have the planning merits tested unjustifiably interferes with the right to be heard because the amendment of the notice would have the effect of adding requirements to an enforcement measure that he would not be able to question or have the planning merits of decided.

99. It was under enforcement.

100. Restoring the land to a horse paddock is not objected to

101. GROUND G AND THE FOUR HOUSE CORNER SITE- Assuming you don't consider it raises safety issues due to it being in the Burghfield DEPZ, there is a separate question over the suitability of the site. The Appellant told the Inquiry that given the history of one of the families at this site and his wife's family dealings with them and given the lawlessness of the previous site residents it depends on who else is there. That was an understandable stance given the appalling history. You heard no evidence that the council will not be rehousing the families of those in prison but assuming the council do the right thing there is a possibility an empty pitch at the 4HC site could become available but it is presently oversubscribed if those on the waiting list are added to those with the right to return. So no weight can be put on the chances of the Appellant and his family being able to go to 4HC. It could also stir up animosity with those on the waiting list for them to find someone who has not even applied has gone to the front of the queue.

102. 12 months in the absence of anywhere else to go is the minimum to try and do what is best for the twins. However, the Appellant's primary case is that the site can be allowed under appeal A and you are respectfully invited to allow that appeal on a permanent or temporary basis.

STEPHEN COTTLE

GARDEN COURT CHAMBERS

05.02.2025